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Families in/and Neoliberal Child Welfare Law in Alberta: Critique of the Child, Youth and Family Enhancement Act

by

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Abstract

This thesis examines Alberta's newest child welfare legislation, the 2004 Child, Youth and Family Enhancement Act (CYFEA). I employ a governmentality perspective that attends to the struggles through which this law unfolds and the discourses used to govern its subjects. I rely on an array of documentary sources to analyze the emergence and features of the CYFEA. I make four arguments. First, I argue that the impetus for the CYFEA was a counter-discourse critical of neoliberal approaches but that the political process and the discursive framework used subverted this position. Second, I argue that the CYFEA reasserts neoliberal strategies. Third, I argue that the CYFEA attempts to constitute families as responsible autonomous entities, but because of Alberta's contested socio-political climate, presents a uniquely ambiguous account of family structure. Fourth, I argue that within this ambiguity is a possible expansion of conceptions of family that is not necessarily an inclusive politics.

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Introduction

Introduction: Overview of problem and questions

The division of responsibilities between public and private actors is undergoing radical transformation in contemporary politics with important implications for families. Current strategies of governing, best placed under a rubric of neoliberalism, are attempting to transfer many previously publicly held responsibilities onto private actors defined as individuals, communities, and families (Fudge & Cossman, 2002; Garland, 1996). As a means of governing families, child welfare law situates itself precariously along the division of public and private (Parton, 1991, 1998, 1999) and is therefore deeply entangled with the neoliberal restructuring of this division. Despite this importance, child welfare law has received relatively scant attention in discussions of neoliberalism. I address this lack by engaging with Alberta's newest child welfare legislation, the 2004 Child, Youth and Family Enhancement Act (CYFEA).

This thesis dissects the CYFEA and its emergence through the lenses of "family" and governmentality scholarship. "Family" has always been a central focus of child welfare legislation (Armitage, 1993b), but becomes an increasingly important construct in neoliberal strategies of privatizing responsibilities for care of members (Bell, 1993; Fudge & Cossman, 2002; Gillies, 2005; Larner, 2000). "Family", however, has also developed into a more diverse and elusive concept in contemporary times (Cheal, 1993; Stacey, 1992). Moreover, neoliberal strategies contribute to this diversity by undermining the importance of interpersonal relations and the ability of persons to devote themselves to the tasks of social reproduction (Beck & Beck-Gernsheim, 2004; Cossman, 2002). Neoliberal strategies also sometimes construct broader definitions of "family" where doing so enables the off-loading of once public responsibilities onto private actors (Cossman, 2002). The diversity of familial forms constituted and accepted by neoliberal approaches, however, is in sharp contrast to previous child welfare strategies of governing through a singular image of the traditional nuclear breadwinner family (Armitage, 1993b; Chunn, 1988; Swift, 1991). As I will display in chapter one, the Alberta context adds an additional layer of complexity

to this scenario because its politicians have attempted to guard a narrow definition of "family" (Harder, 2003, 2007) while simultaneously implementing one of the most rigorous neoliberal programs in Canada (Denis, 1995; Kline, 1997). The CYFEA surfaces within this context.

The driving questions of this thesis reflect this problematic of governing interpersonal relations and positing "family" in child welfare law within a complex and contested neoliberal ethos.

1) How did the CYFEA come to be?

2) What strategies of governing does the CYFEA employ?

3) How is the term "family" employed in the CYFEA?

Through its emphasis on discursive struggles, strategies of governance, and political rationalities, the governmentality perspective affords a lens capable of addressing each of these questions.

Located at the intersection of family, child welfare, law, and neoliberal governance, this thesis traverses a number of disparate literatures. In the remainder of this introductory chapter, I situate my research in relation to previous work in these areas. I discuss how my research is a counter to, or an extension of, this work and where in the thesis I will return to certain themes. This discussion is comprised of two parts. First, I provide a review of literature on child welfare and families to make a case for examining this topic from the perspective of governmentality. This review demonstrates that scholars have yet to apply this perspective to contemporary Canadian child welfare law. This literature review also discusses scholarship on the diversity of families and demonstrates the importance of engaging with how the neoliberal context formulates images of "family". Second, I review the guiding questions of this thesis and discuss the documents and methods I use to address them. I also use this discussion to outline the format of this thesis and signpost the topics and questions covered in the following chapters. My objective in this introductory chapter is to make a case for the importance of investigating child welfare law in a neoliberal ethos and to outline in more detail the complications of governing families within this context.

I - Previous Literature: Theoretical and methodological influences

Early essentialist literature

Early Marxist inspired literature on child welfare and families, like Anthony Platt's (1969) *The Child Savers* or Christopher Lasch's (1977) *Haven in a Heartless World,* argued that child welfare and delinquency laws were instruments of social control and class oppression imposed by middle and upper class moral entrepreneurs upon lower class families. These authors argue that reformers used claims about saving and protecting children to legitimate implementation of surveillance mechanisms and the spread of their value system (van Krieken, 1986). According to Lasch (1977), such reforms eventually eroded the central responsibilities and capabilities of the family and replaced familial functions with agencies of socialized reproduction.

Lasch's (1977) work attempted to restore the care of children from administrative bureaucracies to the supposed natural care of nurturing and loving mothers. His text thus demonstrates the assumptions about gender that accompany ideas of family. According to Barrie Thorne (1992), 1970s feminist literature displayed such assumptions about the "natural" place of women as full-time mothers as a key ideological component of "the family" that served the interests of men and reproduced patriarchal relations. Thorne's (1992) review also notes that, socialist feminist literature further argued that the value accorded to these so-called "natural" abilities helped perpetuate the capitalist system through providing cheap social reproduction necessary to regenerate the male labour required for capitalist production. Hence, these early feminist positions depicted families as essentially ideological constructs imposed on passive women in the interests of men and/or capital (Boyd, 1994; Brodie, 1996).[1]

This early literature furthered understandings of families and their control by demonstrating their embeddedness in relations of power. The account of power as harnessed by one group and imposed on another, however, was overly simplified. Such accounts readily slipped into essentialist claims that child

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[1] I discuss further developments in feminist literature on families below in the section attending to the diversity of families in contemporary times.

welfare was a static classist tool, or that families were unchanging instruments of patriarchal control. These positions did not consider the role that those subjected within configurations of child welfare or family played in shaping these entities. They could not account for the observation that working class people, often mothers, both actively welcomed and resisted the entry of family reformers into their homes. The depiction of families as simply ideological constructs serving the interests of men or capital also did not consider that such groupings were themselves divided, or that the motives of people might not be readily discernable. Finally, these accounts did not explain the changing form and characteristics that families have taken over time (Boyd, 1994; Brodie, 1996; Donzelot, 1979; Thorne, 1992; van Krieken, 1986).

Foucault and governmentality: Power, discourse, and political rationalities

Michel Foucault's (1978, 1980) conception of power provides a more nuanced depiction of power relations and their unfolding which may address many of the overlooked aspects in these early accounts of child welfare and families. According to Foucault (1978, 1980), elites do not hold all power and exercise it to negate the liberties of subordinates; rather, it is a productive process that shapes subjectivities and is found in all social relations. Power is implemented not only through the state, but is (increasingly) cast into diffuse networks throughout the social fabric (Foucault, 1991). These complex networks govern the lives of individuals, but such governance is both actively participated in and resisted (Foucault, 1980).

Foucault's work documented that in attempting to govern subjectivities, acts of power rely on knowledge claims expressed through various discourses. For Foucault, "discourse" refers to knowledge claims expressed in "groups of statements, produced and structured through clusters of signs that appear consistently together" (Chambon, Irving, Epstein, 1999: 272). These discourses have an inscriptive and constitutive function that shapes how we think of an object or problem and thereby condition the possible responses to that problem or object (Hogeveen & Smandych, 2000: 146). Discourses found in the human sciences, in particular the "psy" discourses, have been especially influential in

shaping relations of power and producing particular subjectivities (Foucault, 1980; Rose, 1990).

Nevertheless, these human science discourses, or any discourse for that matter, are not omnipotent; according to Foucault (1980), resistance and counter-discourses meet every act of power. Any claimed truth of an account or subject is therefore the product of a history of struggles and the subversion of particular knowledge claims. This struggle plays out in local socio-political and historical contexts that influence, but do not determine, which discourses triumph or combine to shape governing practices while co-opting or subverting other discourses. Within these struggles, "discursive practices provide parameters for what can be known, said, and thought" and in so doing raise barriers for particular claims (Chambon, Irving, Epstein, 1999: 272; Gubrium & Holstein, 1990, 1993; Holstein & Gubrium, 1995). Hence, the emergence of any presumed truth used to shape subjectivities is not the product of some teleological unfolding of progress; rather, it is the result of an exercise of power made possible by contingent historical happenings, multiple and potentially conflicting assemblages of knowledge, and particular discursive practices. The revelation of these "truths" as the product of contingent struggles, and the uncovering of subjugated knowledges in these struggles, form what Foucault terms "genealogy". Genealogical accounts demonstrate that our current conditions are not static, natural, and inevitably progressing toward some predetermined end, but unfolding contested processes that could always be otherwise (Foucault, 1980).

According to Alan Hunt and Gary Wickham (1994: 29), Foucault holds "that the three elements of power, it discourses, its practices and its effects, never fit together or correspond.... Power for Foucault never produces the effects its discourses promise". Attempts at governing therefore have unintended consequences because they emerge from a contingent struggle of forces and are met by resistances. In turn, these unintended consequences and failed attempts at completely governing perpetuate further attempts at governing. Extending Foucault's analysis, Hunt and Wickham (1994) argue that sociologists can investigate individual laws as attempts at governing that are always partial and the

product of struggle. The approach to child welfare law in this thesis follows this insight.

Specifically, this thesis takes much of its theoretical and methodological influence from a field of scholarship now termed "governmentality studies". This scholarship has followed the trajectory of Foucault's thought on power and governance into a myriad of areas. These authors highlight the various strategies, discourses, techniques, and technologies employed by a diffuse network of actors to discursively construct and govern even the most seemingly private and mundane aspects of individuals' lives (Gordon, 1991a; Rose, O'Malley, & Valverde, 2006).

In outlining these assemblages of governance authors have employed the concept of "political rationality" to crudely capture the dominant political climates operating at particular times. Political rationalities influence the techniques of governing applied to particular aspects of the population (Hindess, 1996; Rose, O'Malley, & Valverde, 2006; Rose & Miller, 1992). In establishing these techniques of governing, these rationalities also "make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on" (Foucault, 1991: 103). That is, these rationalities influence the responsibilities ascribed to various actors (Rose & Miller, 1992). I use the concept of political rationalities to make sense of changes in child welfare throughout this thesis; however, as I will discuss below, I view any political rationality as a dominant, but not omnipotent, tendency in governance situated within local struggles (O'Malley, 2001; Rose, O'Malley, & Valverde, 2006).

Governmentality and the emerging child welfare system in liberal rule (elsewhere)

Foucault, unfortunately, did not provide explicit sustained engagement with child welfare, the law, or the family. Foucault's (1991) discussion of the development of liberal rule in his essay "Governmentality", however, does demonstrate the connection that conceptualizations of family have with the emergence of modern practices of governing. According to Foucault (1991), in

feudal periods, monarchies claimed to model the allegedly pre-political and natural patriarchal family and its hierarchical relations. Jacqueline Stevens (1999) contends that this modeling afforded monarchies legitimation of their power over serfs and their practices of inheritance of rule. However, in the seventeenth century, political thinkers, in particular male social contract theorists, became discouraged with the limited access to property ownership afforded to those outside the nobility and questioned the legitimacy of the monarchical state through critiquing its basis in models of the family (Foucault, 1991; Stevens, 1999). John Locke, for instance, argued that the state and the family were entirely separate entities; he contended that people join or form states through freely chosen contract whereas families are born into and beyond choice (Stevens, 1999). Presenting the family and state as distinct, theorists argued that the state has, or ought to have, its own logic and *raison d'être* – what Foucault (1991, 1988b) calls "reason of state" – independent of other systems (Stevens, 1999).

Foucault (1991) argues that this separation of state and family threw into question the monarchical structure and raised new concerns about what ought to be the object and aim of government. Conceptualizations of a population existing independent of families, he argued, became the answer to the question of what was the unique object and logic of the state. That is, the "discovery" of the population enabled the emergence of liberal democratic states that took the ordering of individual bodies in the population as their unique objective. "Bio-politics" and "bio-power" are the terms given by Foucault (1978) to express attempts to shape the lives of a population towards the ends of a liberal state.

Jacques Donzelot (1979) and Nigel Parton (1991) follow Foucault's insights into liberal rule and provide a genealogical account of how families became primary objects and agents of governance in France and Britain respectively. Both authors engage with a central problematic of liberal societies; namely, directing individuals endowed with liberties and embedded in autonomous private spheres of the family toward particular ends without rupturing the ideas of liberty and autonomy. Insofar as the constitution of particular subjectivities among family members, particularly children, is

concerned, Parton (1999: 104) rewords this complication as follows. "[H]ow can we devise a legal basis for the power to intervene in the private sphere of the family in order to protect children but in a way that does not undermine the family and convert all families into clients of a sovereign state?" (Parton, 1991). A paradoxical tension therefore haunts liberal political societies and their attempts to order populations; they rely on images of families as separate and sovereign realms of existence, and yet they require an ability to intervene in this "autonomous" realm and the lives of "free" individuals to ensure that they adopt particular forms that contribute to certain ends.

According to both Parton (1991) and Donzelot (1979), the development of philanthropy, and later social work, resolved this problem. Drawing on discourses of religion, the human sciences, or medicine, philanthropic and social work agents were able to appear as separate from the realm of politics. These agents were also able to align their visions of domestic life with the aspirations of women who wanted more status in the family. In so doing, they gained access to the previously private lives of families and began to order the individuals therein through particular images of domestic life (Bell, 1993; Gordon, 1991b; Rose, 1990, 1996). These images were predominately of the biological nuclear breadwinner form with children as vulnerable dependent persons, men as financial providers and disciplinarians, and women as full-time nurturers and caregivers for children.[2] Parents were to ensure the development of children who were productive members of society. In becoming productive citizens and good parents, individuals secured both their own well-being, that of their children, and that of the nation (Rose, 1990).

Families therefore become key instruments in bio-political techniques. They were and are governing entities that shape members behaviour through

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[2] These depictions of the categories of children, fathers, and mothers, are historical and cultural constructs. The prior construction of these categories as such thus forms part of the contingent "conditions of possibility" for the emergence of child welfare. I will discuss throughout this thesis how these constructs have partially changed in contemporary times. For fuller reviews of their earlier construction, see Smandych (2000) for children, Collier (2006) or Drakich (1989) for fathers, and the collection of essays in Thorne and Yalom (1992), among many others, for mothers.

particular forms of socialization and interaction. Yet, when they appear to be failing in these tasks, philanthropic and social work agents govern them, backed by the coercive threat of family dissolution in law (Chunn, 1988). This assemblage of law, philanthropy, and social work forms what Donzelot (1979) aptly titles "the tutelary complex". In reconstructing the process through which this complex emerges both Donzelot (1979) and Parton (1991) show families to be not static entities, but "moving resultants" (Donzelot, 1979: xxv) that are shaped by a variety of contingent forces employing a diversity of discourses in constant struggle. Although these are highly simplified and superficial summaries of their detailed and nuanced accounts, it is clear that unlike the early feminist or Marxist literature discussed above, this perspective highlights that forces both internal and external to families influence its unfolding (non-teleological) trajectory.

In chapter one, I present a brief account of the development of family governance in Alberta. For now, I wish to highlight two points raised in this literature that are relevant to my exploration of child welfare and families. First, to address the shortcomings of earlier literature that depicts families and child welfare as essentially static entities, I employ the governmentality perspective and the claim that families and the child welfare system are "moving resultants" discursively constructed through an assemblage of struggling forces. To this end, I rely heavily on the notions of discourse and discursive practice outlined above. Second, I continue to rely on the insight into the problematic of liberal societies concerning *governing autonomous* individuals and families.

Neoliberal political rationalities and strategies

Scholars such as Thomas Lemke (2001), Colin Gordon (1991b), and Nikolas Rose (1996), along with innumerable others both within and outside the governmentality perspective, argue that contemporary politics and laws are now shaped by a shift towards neoliberal political rationalities. Like all political rationalities, neoliberal rationalities reformulate the appropriate responsibilities for public and private actors. In place of vast state responsibility for the citizenry through programs of shared risk implemented under welfarist rationalities,

neoliberal rationalities emphasize the responsibility of individuals to care for themselves and their family members through individual risk management achieved via prudential action in private markets (Gordon, 1991b; Lemke, 2001; O'Malley, 1996; Rose, 1996; Rose & Miller, 1992). That is, neoliberal strategies attempt to extend market rationalities based on competition, self-interest, and cost-benefit analysis throughout the social fabric into all persons and institutions (Lemke, 2001). The state, however, does not simply off-load or absolve itself of responsibility under neoliberal rationalities. Rather, in neoliberal arts of governing the state increases action-from-a-distance and devises new strategies for *actively* encouraging entrepreneurial attitudes and cooperation among private subjects (Garland, 1996; Gordon, 1991b; Lemke, 2001). David Garland (1996) aptly summarizes this overall approach as a strategy of *responsibilization* whereby states seek "to activate action on the part of non-state agencies and organizations" (452).

These non-state agents include markets, communities, families, and individuals (Fudge & Cossman 2002; Garland, 1996; Kline, 1997; Rose, 1996). Responsibilizing each of these actors occurs through a multitude of discourses and strategies. To specify which private agent is the subject of responsibilization, I employ the following recognized terms throughout this thesis. Transferring responsibilities onto private markets is termed *privatization*. This privatization occurs through economic strategies such as contracting out formerly state-run services to private businesses (Garland, 1996; Fudge & Cossman, 2002). Echoing Judy Fudge and Brenda Cossman (2002), I refer to attempts to responsibilize families as *familialization*. This familialization often relies on discourses about the ostensibly natural role and capacities of families. Activating communities to engage in previously public responsibilities occurs through strategies of *regionalization* and *delegation* that emphasize volunteerism (Fudge & Cossman, 2002; Garland, 1996; Kline, 1997). Finally, responsibilization of individual persons often involves attempts to govern individuals' psyches and indoctrinate mechanisms of *self-governance* within the citizenry (Rose, 1990, 1996). Pat O'Malley (1991) notes that economic privatization of formerly state run social

insurance schemes serves as a means of forcing self-governance and prudential attitudes.

These are but a few of the programs implemented under neoliberal agendas of responsibilization. In chapter three, I highlight these and other strategies in the CYFEA. Sparse literature, except for the work of Parton (1998, 1999) and Marlee Kline (1997), has attended to strategies of neoliberalism in child welfare. I introduce the work of Kline (1997) in chapter one, while tying the work of Parton (1998, 1999) into my discussion in chapter three. Kline (1997) contends that the paucity of literature in this area is not an oversight by current researchers, but a reflection of how recent neoliberal reconfigurations of child welfare are. It is, she contends, much easier to apply neoliberal strategies of responsibilization to systems that are not legally mandated and caught in a tradition of protecting vulnerable children. As such, other areas of social welfare have received much more attention because programs of neoliberalism have penetrated them for longer periods while the reconfiguration of child welfare under neoliberal agendas is relatively new. As I will display in chapter three, however, many of the neoliberal strategies used in other areas of social welfare have translatability into the field of child welfare.

These neoliberal programs, of course, play out in local and cultural contexts with unique situational struggles (Ong, 2006; Rose, O'Malley, Valverde, 2006). Each of these contexts involves its own discourses, negotiations, and subversions. According to Nikolas Rose, Pat O'Malley, and Marianna Valverde (2006), many scholars mistakenly use the concept of neoliberalism as a theoretical catch basin that explains all current strategies of governing. They argue that the task of those following in the tradition of governmentality scholarship ought to be delineating the various competing techniques and discourses that inform particular strategies of governing.

I heed these concerns throughout my depiction of the formation and mandate of the CYFEA. One of the guiding questions of chapters two and three is how various neoliberal responsibilization strategies find expression in the CYFEA, if at all. In particular, in chapter two I outline how the CYFEA

implements various neoliberal strategies of responsibilization in the face of contest and discourses critical of previous neoliberal programs. Chapter four further discusses how competing images of "family" stemming from divergent political sensibilities were handled in the formation of the CYFEA. Chapter one provides a crude sketch of the unique unfolding of neoliberal rationalities in Alberta. The discussion of the CYFEA in the chapters that follow is, then, a description of a process already embedded within a neoliberal ethos carrying its own complications. That is, I carefully avoid depicting the CYFEA as a simple ascendancy or origin of neoliberal strategies in child welfare. Rather, I present the CYFEA as emerging within an already existing neoliberal trajectory that influences, but by no means simply determines, its features.

Governmentality and feminist literature on "family" in contemporary times

Rose's (1990) discussion of self-governance under neoliberal strategies highlights the important role of images of "family" in aligning the allegedly "personal" desires and aspirations of individuals with larger political, economic, and social aims. Specifically, Rose (1990) argues that images of "the responsible autonomous family" and the attendant gender specific parenting roles that one is to fulfill come to serve as internal measuring rods through which adults measure their behaviours and desires. Resultantly, parents become self-regulating because failure to measure up to these images invokes a feeling of guilt and an inspiration for self-change. According to Rose (1990), in neoliberal governance persons infrequently need familial roles forced upon them because they already actively aspire to these roles. Such aspirations, notes Rose (1990, 1996), could have only been achieved through the successes of earlier efforts of the tutelary complex which allowed expertise to penetrate into the private realms of the family and constitute such images of family as normal.

Rose's (1990) discussion demonstrates the importance of examining both how the tutelary complex works to coercively force particular familial roles and configurations, and the images of family that are used to govern persons in more subtle ways. Rose's (1990) discussion of self-governance, however, unfortunately does not elaborate on what is meant by a "responsible autonomous" family or

who comprises familial relations in the context of neoliberal governance. Brenda Cossman's (2002) work, on the other hand, attends to how neoliberal projects use the notion of "family" and affect different interpersonal groupings. Her work highlights the complications and contradictions of neoliberal approaches to family. Cossman (2002) highlights how neoliberal projects of responsibilization were born of a socially conservative discourse of "family values" that trumpeted the importance of the traditional family caring for itself free of intervention. These discourses attempted to spread throughout the social fabric the importance of family members, more specifically women, caring for their dependents without state assistance.

Cossman (2002) notes, however, that neoliberal privatization schemes fracture the efficacy of the nuclear breadwinner family. This occurs in a number of ways. First, neoliberal schemes of globalization and privatization erode the earnings of the lower class. The lessened purchasing power of individuals promotes the existence of dual earner families in order that households maintain a modest standard of living. Second, the neoliberal emphasis on self-sufficiency and the prudential subject promote individuals who are concerned primarily for themselves and not necessarily enthusiastic about involvement in interdependent relations. Third and relatedly, the extension of market rationalities and the declared importance of individual agency and self-fulfillment have arguably led adults to view their interpersonal relations in malleable contractual terms. This in turn has led to an increased willingness to end previous unions and establish a variety of new interpersonal relationships (Beck & Beck-Gernsheim, 2004; Smart & Neale, 1999: ch. 1; Stacey, 1992).

Of course, the unintended consequences of, and resistances to, previous strategies of governing also contribute to increased familial diversity. The promotion of the nuclear breadwinner family under welfarist rationalities and the attendant strategy in labour policy to provide a male family wage is an example of this incongruous logic. While the family wage policy explicitly promoted a gendered division of labour such that men were providers and women stay-at-home nurturers engaged in unpaid social reproduction, it also served to undercut

the wages of women. This undercutting of women's wages resulted in an attractive cheap pool of labour for capitalist exploitation and in turn encouraged the hiring of women, thereby weakening the ability to constitute a singular family form around the image of the nuclear breadwinner family (Stacey, 1992). Moreover, meting out welfarist social provisions based on family status led to persons excluded from legal and policy definitions of family, such as same-sex couples, to lay claim to family status (Cossman, 2006; Thorne, 1992). Such claims pushed the limits of the term "family".

Feminist movements taking aim at previous images of family also contributed to a growing diversity of interpersonal relationship configurations. Second-wave feminists sought to challenge the allocation of social rewards according to the role structure of the nuclear breadwinner family. The privilege accorded to men in this familial form had the unintended consequence of encouraging many women to seek the independence and status afforded to men in the public sphere, thus transforming the lived realities of families into ones with increasing amounts of working women (Chunn, 1999). However, in response to second-wave feminists' liberal premises and adoption of the male standpoint of privilege as the desired position for women, many women asserted that these solutions and views did not attend to their unique perspectives and a "third wave" of feminism was born (Boyd, 1991; Chunn, 1999; Smart, 1995). Under this wave, women from all lifestyles expressed their diversity. For instance, Black feminist women criticized positions that held the family to be a source of oppression and highlighted their use of kin networks to fight racial oppression and economic marginalization (Collins, 1992). It soon became "clear that no form of women's experience, of "the family" or "the state" or otherwise, [could] be posited as universal" (Boyd, 1994: 52). Many feminists began to challenge any monolithic conception of family. These feminists continually pointed out the diversity of relations that existed and promoted these diverse forms and their legal recognition (e.g., Eichler, 1983; Gavigan, 1996; Stacey, 1992; Thorne, 1992). Texts on Canadian families commonly assert this increasing diversity with reference to the rising number of divorces and remarriages, increased rates of cohabitation,

increased recognition of same-sex partnerships, new configurations of families who are "living together apart", increased single parenthood, and the increased number of multi-generational households, among others (e.g. Eichler, 1983: ch. 1; McDaniel & Teeperman, 2004: ch. 1).

Judith Stacey (1992) argues that the diversity of family forms is now so great that singular and coherent labels can no longer encompasses familial relations. She refers to these diverse and changing familial configurations as the "postmodern family" (Cheal, 1993). In using the term "postmodern", Stacey (1992: 93) is attempting "to signal the contested, ambivalent, and undecided character of contemporary gender and kinship arrangements". Stacey (1992: 94) is not suggesting that the "postmodern family is…a new model of family life equivalent to the modern family, [nor] the next stage in an orderly progression of family history." Rather, she argues that it is "the stage in that history when the belief in a logical progression of stages breaks down" and ruptures evolutionary and teleological narratives about families. Stacey (1992) celebrates the potential of this fluid and unspecified condition of family to be a basis for an inclusive and democratic politics.

> Because the postmodern family crisis ruptures this seamless modern family script, *it provides a democratic opportunity*. Efforts to expand and redefine the definition of family by feminists and gay liberation activists, and by many minority rights organizations, are responses to this opportunity, seeking to extend social legitimacy and institutional support for the diverse patterns of intimacy that Americans have already forged. (Stacey, 1992: 109 – my emphasis)

Susan Boyd (1994) and Cossman (2002), however, are more cautious than Stacey (1992) in praising the diversity of familial forms as a progressive politics. Boyd (1994), for instance, notes that the recognition of diversity in feminist and academic circles does not necessarily mean that the discourse and practices of law or politics recognize and welcome such diversity. Cossman (2002) goes on to caution that neoliberal projects are often likely to accept expanded and diverse conceptions of family where doing so permits the offloading of public responsibilities onto private actors. Diverse conceptions of family, then, can be a

means of expanding *familialization* strategies. The result, she argues, is that the images of family carried in fiscally conservative projects and the image of family carried in socially conservative projects continually threaten to undermine each other, making for a tenuous political context.

As I will demonstrate in chapter one, this complicated and contested context of familial diversity, neoliberalism, and social conservatism is particularly palpable in Alberta. Chapter four examines how this context affects the discursive presentation of the CYFEA and the formulation of "family" therein. Tying this feminist literature on family diversity with the governmentality perspective, I also present a discussion about the dangers of "postmodern" conceptions of family in child welfare. In so doing, I provide a critique of Stacey's celebration of diverse and open-ended conceptions of "family".

II – Method, data, and layout of thesis: Reading documents for discourses, discursive frameworks, and strategies

The previous literature on child welfare law and families thus provides an opening to examine how contemporary child welfare legislation governs interpersonal relationships and employs the concept of "family" within a neoliberal context, which is complex, contradictory, and contested. I use the CYFEA as a case study into this area. As I will demonstrate in chapter one, it is both the contemporaneousness of the CYFEA and the complexities and contradictions surrounding the current Albertan socio-political climate that make investigating this specific law especially apposite. As stated earlier, I break this investigation into "family" and governance in contemporary child welfare law into three guiding questions.

1) How did the CYFEA come to be?

2) What strategies of governing does the CYFEA employ?

3) How is the term "family" employed in the CYFEA?

The governmentality perspective's focus on discursive struggles and strategies of governance makes it particularly well suited to engage these questions. However, the emphasis on families and child welfare as historically unfolding entities embedded in local contexts also necessitates a preliminary

sketch of child welfare in Alberta prior to the CYFEA. I attend to this task in chapter one. Drawing upon previous scholarship on child welfare and Alberta politics, I outline some of the unique struggles influencing the development of child welfare and formulations of "family" in Canada and Alberta. This review provides a reference point that I use throughout the thesis to compare and contrast developments in the CYFEA. That is, chapter one provides the backdrop that enables engagement with the above research questions. In the remaining three chapters, I investigate these questions through engagement with a vast array of documentary sources.

I address the question of how the CYFEA came to be in the second chapter. I reconstruct the discursive struggle over this new law through analyses of 1) news articles about child welfare in Alberta, 2) published reviews of Alberta's Ministry of Children's Services, 3) the text of the CYFEA and related government documents, and 4) the legislative debates of the two Bills comprising the CYFEA. This affords me the ability to explicate the various discourses problematizing child welfare, serving as the impetus for the CYFEA, and attempting to shape the reconfiguration of child welfare practices and the renegotiation of public and private responsibilities. In analyzing the legislative debates, I use the notion of "discursive frames" to elucidate the discursive practices of this setting. I conceptualize discursive frames as the linking of particular discourses to presumed "truths" that exist in the setting of a particular discussion. When these frames link together, they form a "discursive framework" that sets the parameters of debate. Foucault might have used "episteme", or "discursive formation", or simply the term "discourse" to depict this larger framework of governing what can and cannot be said (MacDonald, 2006; Chambon, Iriving, Epstein, 1999). I have chosen to use the notions of "frames" and "framework" to emphasize the connection among particular discourses, and the resulting imposition of interpretative structures that set discursive boundaries. It is a means of highlighting the difference 1) discourse as knowledge claims and 2) discourse as an assemblage of claims constituting the "organizationally

embedded" rules of what can and cannot be said in a particular setting (Gubrium & Holstein, 1993; Holstein & Gubriumn, 1995).

I engage with the second question relating to strategies of governance in the third chapter. To determine the dominant political rationality that shapes the CYFEA, I analyze the division of responsibilities in this new law. I then engage with how the practices of the CYFEA enforce this division of responsibilities. I also examine how the discourses used in the CYFEA, the review report that formed the basis of the CYFEA, and the legislative debates, likewise serve as strategies for enforcing these responsibilities.

Finally, I address question three in the fourth chapter. In this chapter I analyze how the term "family" and related kinship terms such as "guardian", "parent", "mother", "father", etc. are or are not employed in the CYFEA and legislative debates. My analysis of "family" in this chapter engages with both *what* is ideally meant by "family" and of *who* "family" is comprised. I argue that analyzing what the law and political actors say about the families that child welfare attempts to constitute and preserve, versus the families it dissolves, can uncover the ideal characteristics of "family" according to the CYFEA. Insofar as the topic of family structure is concerned, I do not claim to identify a coherent singular answer to the relations ideally felt to constitute a family. Rather, it is the revelation of ambiguity and open-endedness surrounding this topic that forms the major finding. I then reflect on the implications of this open-endedness for child welfare as a means of governing interpersonal relations. In so doing, I reflect on what the strategies of the CYFEA and its discourses of "family" mean for the women and First Nations that the Canadian child welfare system consistently over-represents (Armitage, 1993a; Callahan, 1993b; Davies, 1992; Kline, 1997; Lafrance, 2005; Monture, 1989; Swift, 1991). In this chapter, I also draw on previous legislative debates to demonstrate continuities and differences in the presentation of "family" in the CYFEA.

In summary, the approach I employ involves analysis of literally hundreds of pages of debates, reports, legislation, and news articles concerning child welfare in Alberta. I compile examples from these sources to provide a detailed

depiction of the CYFEA that focuses on the discursive struggles that construct the CYFEA, its strategies of governance, and its notions of "family". Throughout this thesis, I problematize – that is, put into question things taken-for-granted so as to display difficulties and create conditions for new possibilities (Foucault, 1988a, 1997) – central concepts used in the CYFEA and debates.

Conclusion: Summary and contribution

The literature review provided here displays an opportunity to explore the construction of child welfare and "family" within a neoliberal context. The complications and contradictions surrounding neoliberal uses of the term "family" and the undercutting of familial relations in neoliberal strategies demonstrate an interesting scenario for the governance of families that has heretofore eluded academic scrutiny. I attend to this opening in the literature through an engagement with Alberta's newest child welfare legislation, the CYFEA. In chapters two, three, and four, I provide an investigation and discourse analysis of this law through examination of a wide array of documentary sources. In the next chapter, I situate the CYFEA within a historical trajectory and demonstrate that the Albertan context embodies the unique and contested neoliberal context outlined above.

Chapter One

Situating the CYFEA: Unique Struggles in the History of Child Welfare and "Family" in Alberta

Introduction

Aside from the work of Dorothy Chunn (1988), few reviews of the governance of families in Canada provide accounts that can compete with the detail of those given by Parton (1991) and Donzelot (1979) regarding Britain and France. Chunn's (1988) work, along with much of the Canadian literature, however, focuses on developments in Ontario. Existing scholarship seems to assume that other provinces, including Alberta, simply eventually adopted the features of Ontario's court and child welfare system (e.g. Macintyre, 1993; Scott, 1941; Smith, 1961). Although many of the features of early child welfare in each province mirrored the programs developed in Ontario, literature has not systematically attended to the unique unfolding of child welfare systems and formulations of "family" in Alberta.

In this chapter, I partially attend to this gap. Fortunately, there is a patchwork of commentary on Albertan child welfare and family politics that can be knit together to achieve this task. Nevertheless, I do not attempt to provide a complete detailed history of child welfare, or formulations of "family", in Alberta. Rather, in what follows I review some of the key developments in child welfare that will be pertinent to understanding the CYFEA. I also depict the emergence of neoliberal political strategies in Alberta; here I provide a more detailed account of relevant struggles.

The discussions in this chapter give a preliminary understanding of the unique historical, social, and political context of the CYFEA. Throughout this historical sketch, I discuss how the CYFEA differs, extends, or repeats particular themes that have been dominant in Albertan child welfare. I note where in the remaining chapters I will return to certain historical happenings. This chapter provides some context to the CYFEA. Most importantly, this chapter demonstrates that the CYFEA is not only situated in the complications of the

neoliberal ethos discussed in the previous chapter, but is further impacted by a tradition of social conservatism that narrowly guards ideas of "family".

I - Brief history of child welfare, formulations of "family", and the emergence of neoliberalism in Alberta

Emergence of child welfare law in Alberta

Like discussions of child welfare in other Western nations have noted, child welfare in Canada stemmed from a "child saving movement" (Hogeveen, 2005; Macintyre, 1993). The division of powers between levels of government, and the disparate geographies and economies of the provinces, however, would mean that the "child saving movement" would not develop uniformly and simultaneously across the nation. The health and welfare of inhabitants fell under the jurisdiction of the provinces (Guest, 1997) and much of the concern over saving children centered on their displacement in urban centres located mainly in industrialized Central Canada (Hogeveen, 2005; Macintyre, 1993; Swift, 1991). As such, locations like Toronto were the first to form formal child welfare laws and regulations and Children's Aid Societies for investigating cases where children were allegedly in jeopardy. These societies replaced the informal and loosely organized charities that previously assumed these roles (Guest, 1997; Macintyre, 1993). The first legislation in Canada for the protection of children was Ontario's 1893 Act for the Prevention of Cruelty and Better Protection of Children (Scott, 1941; Smith, 1961; Macintyre, 1993).

This legislation eventually set the framework for other provinces' child welfare laws and systems (Scott, 1941; Smith, 1961; Macintyre, 1993), including Alberta's first child welfare legislation in 1909 titled the Children's Protection Act of Alberta (Rothery, et al., 1995). Based on the Ontario Act, the Alberta legislation allowed for the development of Children's Aid Societies, which soon sprung up in Calgary, Edmonton, Lethbridge, and Medicine Hat, with volunteer committees set up in areas with smaller populations. Like the Ontario Act, the Alberta Act gave these charitable organizations legal authority to intervene in the lives of families and potentially remove children when it was in the "best interests of the child". The provincial government assigned a Superintendent of Neglected

and Dependent Children to supervise the work of voluntary organizations (Rothery et al., 1995). The child welfare system therefore originally relied, as it did in the case of France and Britain, on ostensibly non-state agents to carry out the tasks of intervening in families.

The most common placement for a child following removal from his or her family in the 1890s was in an institutional setting such as an Industrial School (Macintrye, 1993). However, as the "save the children" reformers and the Children's Aid Societies gained status, their proposed solution of exposure to "normal" family environments through placement in pre-screened foster homes became the dominant strategy throughout Canada (Swift, 1991; Macintyre, 1993). Like other countries, early legislation in Canada emphasized conceptions of neglect as grounds for the removal of children. As Karen Swift (1991) argues, the underlying condition of neglect is often poverty and hence these laws pathologized poverty as individual moral failure.

The promotion of foster care over institutionalization, however, did not uniformly apply to all Canadian children. The division of responsibilities in Canada placed on-reserve First Nations children under federal legislation. As such, the Federal Indian Agent handled concerns about First Nations children. Prior to the 1960s, provincial legislations, charitable organizations, and foster care schemes did not apply to First Nations children. The Federal Indian Agent had no formal child welfare legislation enabling investigations or outlining how to handle children in danger. The only option available to the Indian Agent for children brought to his or her attention was to place children in the residential school system under the assimilationist policies of the Indian Act of 1876 (Armitage, 1993a; FWGCFS, 2002; Monture, 1989).

Although the CYFEA is remarkably different from this legislation, it also contains characteristics from these early beginnings. For instance, I demonstrate in chapter two that the CYFEA continues to mark a renegotiation of the tension between the division of public and private. I also show that neglect, and its resultant penalization of poverty, receives a renewed emphasis in the CYFEA. Nevertheless, considerable changes to child welfare developed in the period

between this earliest and most recent legislation as the political climate in Canada and Alberta shifted.

Welfarism and child welfare

The emergence of child welfare in Canada depicted above takes place at the beginning of a transition towards what is now termed a welfarist political rationality (Hogeveen, 2005; McDonald, 2006). This rationality "is structured by the wish to encourage national growth and well being through the promotion of social responsibility and the mutuality of social risk" (Rose & Miller, 1992: 192). It took a strong hold in Canada following the Great Depression and the two World Wars (Guest, 1997). In child welfare, this rationality translated into 1) greater incorporation of the activities of the Children's Aid Societies or charities into the formal branches of the state, and 2) programs of preventative financial aid given to families prior to investigation by child welfare officials. State bureaucracies replaced charities and implemented universal or means tested programs to provide a minimum standard of living and a "social safety net" (Guest, 1997). Social insurance schemes that all working persons contributed to and to which all had access by virtue of their common citizenry became keystone strategies of ordering the population (Rose, 1996). In Albertan child welfare, the statization of philanthropy accompanying welfarist logics occurred through the 1925 Child Welfare Act, which granted the state formal control of child welfare investigations, the custody of child wards, and foster care placements (Rothery et al., 1995).

Running alongside this state bureaucratization of child welfare was a professionalization of the human services (McDonald, 2006). Again, this professionalization began in Toronto, largely under the sway of environmental psychologists who, like earlier child welfare reformers, placed the causes of child misbehaviour in the familial setting. Canadian environmental psychologists, however, advocated for individualized counselling and strict case management techniques that were not yet elements of the charitable organizations run largely by uneducated elite volunteers (Hogeveen, 2005). Outside of Toronto, the promotion of the human sciences and the professionalization of human services

occurred largely through the Canadian Council on Child Welfare (CCCW) and its first president Charlotte Whitton (Guest, 1997; Macintyre, 1993; Rooke & Schnell, 1981; Rothery et al., 1995; Sutton, 1996).

Whitton's mandate for child welfare, and social welfare more generally, was to build an empire of professional university-educated social workers. Although the CCCW fought hard to extend professional social work services to all children, including First Nations children, Whitton simultaneously advocated against state-run social services and institutional approaches to social welfare. Whitton attempted to publicize the conditions of child welfare in provinces with state-run services as being deplorable in order to gather public support for replacing state officials and uneducated volunteers with her selected Eastern counter-parts (Guest, 1997; Macintyre, 1993; Rooke & Schnell, 1981; Rothery et al., 1995; Sutton, 1996). Alberta's state bureaucrats heavily resented and resisted these depictions and attacks on the welfarist political rationality. They felt that Whitton's initiation of her educated peers were attempts to further control their jurisdictions by Eastern officials (Rooke & Schnell, 1981).

Despite Whitton's best attempts, citizens and politicians felt that the vision of a professional child welfare service for all children was too grand to leave to the care of professional associations without a centralized tax-funded structure. The advocacy of the CCCW thus led to a further extension of the state bureaucracy they decried (Rooke & Schnell, 1981). Nevertheless, the formation of professional associations such as the CCCW initiated a platform that, although it could not claim administrative control of child welfare, could lobby politicians and advertise the expertise of social workers. By the mid-20th century, the field of social work was able to gain a considerable amount of influence over child welfare through claims to expertise backed by organized and vocal professional associations (Rose, 1996). Social workers claimed a monopoly on the knowledge of familial settings and consequently became dominant players in the family courts and state run child welfare departments (Chunn, 1988). Optimism permeated the attitudes of workers who felt that with the correct social engineering policy, based on the knowledges of the human sciences and backed

by state resources, they could eradicate social ills (Callahan, 1993a; Chunn, 1988; Parton, 1991, 1999).

Notions of shared risk also reconceptualized conceptions of poverty as a social risk and not individual failure. As such, professional social work focused less on removing children from homes on grounds of neglect and sought instead to direct these impoverished families to sources of financial provision. Influenced also by a growing feminist movement surrounding domestic violence, abuse replaced neglect in the mid-1960s as the central guiding construct of child welfare workers in Canada (Guest, 1997; Macintyre, 1993; Swift, 1991).

This depiction of welfarist child welfare in Alberta lead by experts who wielded considerable influence over its shape marks a sharp contrast to the CYFEA. Chapters two and three demonstrate that expertise is relocated and the knowledge of social workers is drawn upon selectively to meet new political aims. As I will demonstrate below, the ideas of shared risk and social provision as a universal right of citizenship have also undergone drastic change in Alberta.

Dominant images of family in child welfare and its typical subjects

First, however, it is important to note the dominant image of family that permeates child welfare from its emergence through its transformation under welfarist rationalities. The image of what families ought to be in early Canadian child welfare mirrors the findings of other Western nations – it was predominately an image of the middle class white heterosexual nuclear breadwinner family (Armitage, 1993b; Chunn, 1988; Macintrye, 1993; Swift, 1991).

The production of particular images of family in child welfare law occurs largely through the law's outlining of the responsibilities of parents. Child welfare law delineates these responsibilities through an account of what will cause parents to be the subjects of investigation; that is, it outlines the responsibilities of parents through a description of what they ought not do or be. Therefore, it is the formulation of neglect as grounds for intervention that reveals the biases toward middle class standards of domestic life and family (Swift, 1991). However, even under welfarist rationalities where neglect did not play a central role in child welfare, the governing image of family was that of the nuclear breadwinner

family. This was apparent in social welfare through financial provisions such as Mother's Allowances. These benefits demonstrated the continued perception that mothers are, or ought to be, the primary nurturers; they encouraged women to remain full-time caregivers rather than wage-labourers, and men to remain financial providers to the greatest extent possible (Chunn, 1999; Guest, 1997). The preference for the nuclear breadwinner family in the notion of a "family wage" that dominated labour policies of the time serves as another example, among many, of this bias toward the "traditional" family (Gavigan, 1996).

In the practices of governing families, social workers and family court officials promoted this image of the white nuclear breadwinner family in two ways. First, through attempts to keep families of this form together (Chunn, 1988). Second, through placement of children in homes that were overwhelmingly of these characteristics (Armitage, 1993a; Davies, 1992; Monture, 1989).

Under welfarist rationalities, and the advocacy of the CCCW, these two practices of provincial legislation crept into the governance of First Nations through tripartite agreements with the First Nations, the provinces, and the Federal Government. In fact, an agreement with the Blackfoot in Alberta was the first of these agreements across the nation (Armitage, 1993a). The implementation of provincial child welfare processes onto First Nations, however, did not end assimilationist practices; rather, it resulted in a vast removal of aboriginal children to white foster or adoptive homes (Armitage, 1993a; FWGCFS, 2002; Kline, 2006; Monture, 1989). By 1977, almost 40 per cent of children in state care in Alberta were First Nations. Adoption placements of First Nations children increased fivefold from the early-1960s to the late-1970s and were overwhelmingly placements into non-First Nations families (Kline, 2006). Consequently, this period has been infamously dubbed "the sixties scoop" by child welfare researchers (Patrick, 1983 – cited in Kline, 2006).

Feminist child welfare scholars, such as Swift (1991) and Marilyn Callahan (1993b), have since pointed out that the dominant image of the breadwinner family and its accompanying gender roles mean that the surveillance of families under child welfare legislation is really an evaluation of women's

mothering capabilities because seldom are men charged with the tasks of parenting. Evidence that women, in particular single-mothers, make up a disproportionate amount of children welfare cases bolsters these claims (Lafrance, 2005).

The white heterosexual nuclear breadwinner family, or simply the "traditional" family, has thus been the dominant image of family in child welfare legislation. The contemporary neoliberal context, however, potentially lessens the ability of the traditional family to unquestionably, and unproblematically shape child welfare law and social welfare policy. I attend to the specific image of family in the CYFEA explicitly in chapter four, but the theme of familial images is also present in chapters two and three. In chapter four, I also speculate upon the likely implications that the CYFEA has for the First Nations and women who have disproportionately been the subjects of Canadian child welfare strategies. Chapter two also notes that reference to a return of "the scoop" forms part of the impetus for developing the CYFEA.

Beginnings of neoliberalism in Alberta: Pluralist strategies and "family values"

The emergence of neoliberalism in Alberta has part of its "conditions of possibility" in the unintended consequences of welfarist strategies. In particular, in the early-1980s marginalized groups in Alberta, such as the Alberta Status of Women Action Committee (ASWAC) and First Nations organizations, realized that welfarist programs that assumed *similarity* and shared interests among the citizenry did not address their *unique* circumstances as disadvantaged persons. These groups nonetheless drew on welfarist notions of social provision as a right of citizenship to argue that they were entitled to state provision. By contrast, the provisions they argued for attended to their unique locations in society (Harder, 2003; Klein, 1997; Monture, 1989). Facing electoral difficulties because of an economic recession, Alberta's Progressive Conservative (PC) Don Getty government was keen to promise that it would address these unique circumstances of marginalized groups in order to extend its electoral base (Harder, 2003).

As such, these groups soon saw additional funding and specialized programs sent their way in return for support at the polls. Groups such as the

ASWAC, for instance, succeeded in having a Minister assigned to women's issues, developing the Women's Secretariat and the Alberta Advisory Council on Women's Issues, and initiating a Plan for Action for Alberta Women (Harder, 2003). Similarly, the vocal lobbying of Albertan First Nations, punctuated by claims that the vast numbers of children adopted into white homes amounted to cultural genocide (Kline, 2006: 293; Monture, 1989), eventually led the provincial government to review its child welfare legislation and promise provisions specifically tailored to this community (Kline, 1997).

The result of this promise to First Nations was the 1985 Child Welfare Act. It is worth spending a moment to discuss its development and features because it is the Act immediately preceding the CYFEA.

The major concern of First Nations shaping the 1985 Child Welfare Act was with the principle of "best interests of the child". First Nations argued that the concept was unclear and used as an umbrella to remove children from First Nations homes. The 1985 Act originally addressed these concerns by replacing the unspecified principle of the child's "best interests" as the test for determining removal of children with a list of "matters to be considered" in all investigations. The child's "best interests" was one of these matters to be considered, but so too was the "preservation of culture" and the principle of "least interference"; both intended to address the concerns of First Nations families (Kline, 2006). The 1985 Act also established the Office of the Children's Advocate, a semi-independent body that would act as a representative of children and report on the conditions of child welfare as experienced by children. Under the concept of "preservation of culture", the Children's Advocate assisted in the return of over 200 children to their original First Nations communities. The 1985 Act thus marked the beginning of special consideration of the identities of child welfare subjects in Alberta.

The willingness to provide tailored social programs based on group identities, however, had perceptible drawbacks. Namely, it generated backlash groups and intensified a fiscal dilemma within the state. Granting rights to marginalized groups based on unique identity left the conditions ripe for counter-groups to claim that they too had a right to place demands upon the state. For

instance, anti-feminist groups, such as the Alberta Federation of Women United for Families (AFWUF), emerged and claimed that feminist groups given resources by the state were destroying the nuclear family. As a group of women wanting to ensure the longevity of the "traditional" family and the mother-as-caregiver, the AFWUF argued that they ought to receive equal resources to those accorded to feminist groups in order to ensure the expression of the viewpoints of all women. Situated within an economic downturn, the consequence of acting upon all these claims was rising state expenditures and shrinking state revenues (Harder, 2003).

According to Lois Harder (2003), in an attempt to resolve this dilemma, Getty's government adopted a pluralist strategy that presented the state as the neutral arbiter of conflict. This allowed the state to appear to attempt to address all concerns, while more often than not siding with the group that met its mandate of gaining votes or beginning to rein in government spending.

Images of family and a rhetoric of "family values" figured prominently in assisting the state to align its agenda with reduced spending while appearing to give an opportunity for all to voice their concerns in the pluralist arena. In particular, the Getty PCs presented themselves as attempting to provide resources to both the ASWAC and the AFWUF in order to appear neutral. However, in so doing, the PCs gave the AFWUF considerable lobbying room and resources to spread a message about the importance of the traditional family and the perils of feminism. Then, drawing on the AFWUF's rhetoric of "family values", Getty created the Premier's Council in Support of Alberta Families. Getty explicitly stated that his intention was "to strengthen the family, to provide reasons why the family is stronger, why mothers will stay in the house, in the family while not having to care outside of the house" (quoted in Harder, 2003: 4-5). The Council created the Family Policy Grid, a tool that all departments were to use to test how well programs and policies ensured the survival of the traditional family (Harder, 2003).

The Family Policy Grid thus marked the emergence of a gateway for strategies to *familialize* previously public responsibilities under a rhetoric of

"family values" already permeating the Alberta social landscape thanks to groups like the AFWUF. The PCs appeared to be neutrally giving resources and voice to both the ASWAC and the AFWUF under a pluralist banner. State policy, however, only meaningfully promoted the agenda of one group. Unsurprisingly, that group was the one that could provide legitimation of the PCs' attempt to begin cutting back and privatizing particular social programs that, like feminists, were allegedly destroying the natural workings of nuclear families (Harder, 2003).

A similar pluralist struggle and strategy immediately followed the 1985 Child Welfare Act. Specifically, following the return of First Nations children to First Nations communities by the Children's Advocate, two white foster families filed appeals in the Alberta courts. These cases drew attention to the lack of "best interests of the child" as an overarching consideration of the 1985 Child Welfare Act. Foster parents argued that the child's "best interests" were not being considered. Moreover, they asserted that the children had developed psychological bonds with them, which, if disrupted, would be detrimental to the normal development of the children. In short, they claimed that these bonds, and the importance of stability and permanency in children's lives, should be greater considerations than the importance of culture. Following the negative publicity stemming form these cases, the PCs amended the 1985 Act to affirm that the "best interests of the child" were once again the overarching consideration. In child welfare practices, the actions required to preserve culture diminished to the point where, instead of attempting to keep First Nations children on their birth reserves, so long as foster parents promised to expose children to any First Nations culture they were deemed to be in accordance with the principle (Kline, 2006).

The state argued that it was objectively ensuring the "best interests" of children and acting as a neutral arbiter of conflict in this pluralist arena (Kline, 2006). However, like the struggle between feminist groups and the AFWUF, the legal outcome of the struggle between First Nations and white foster parents continued to show that the state was far from being a neutral arbiter. The state actively continued to promote the white nuclear heterosexual family as the preferred form over First Nations families and cultures. This struggle in child

welfare is important because, as I will show in chapter two, the CYFEA also draws heavily on the idea of permanency, albeit in a slightly mutated form. Both of these struggles, however, must be kept in mind when reading the chapters that follow because the outcome of both demonstrates the continued emphasis on the traditional family in Alberta.

The Klein premiership, his neoliberal reforms, and his vision of "the family"

Pluralist strategies thus continued to provide resources and voice to a diversity of claimsmakers, while state policy and legal decisions frequently undercut the claims of certain groups. This strategy allowed the beginning of a transfer of responsibilities from public to private actors and thereby precipitated a decrease in state expenditure under a rhetoric of "family values". Nonetheless, the continued provision of even limited resources to identity-based groups meant that the fiscal dilemma of the state was not entirely resolved. Individuals still felt entitled to claim state resources and the Alberta Government's debt continued accumulating in the early-1990s despite a turn around in the economy. A series of public investment failures on the part of the Getty PCs that forewent over one billion in tax revenues exacerbated this fiscal bind (Harder, 2003; Taft, 1997). By the early-1990s many Albertans "were disgusted by the condition of governance in the province" and were deeply concerned about the government's apparent mismanagement of tax dollars (Harder, 2003: 117-118).

In the 1993 election, the new PC Premier Ralph Klein successfully distanced himself from his predecessor by agreeing that the government had indeed become a poor fiscal manager. Klein, however, reframed the provincial debt from an issue of bad public investment, to an issue of poor fiscal restraint in the areas of health, education, and social services (Taft, 1997). Klein argued that welfarist social programs of shared risk created a culture of dependency and "learned helplessness" that resulted in ever increasing state expenditures. Klein argued that his program of fiscal restraint would eliminate this problem, and thereby the provincial debt, while encouraging self-sufficiency and personal responsibility (Denis, 1995; Flanagan, 2005; Soron, 2005). To curb spending and de-legitimate claimsmakers, the Klein Government painted the diversity of groups

formerly given resources under welfarist and pluralist strategies as "special interest groups" attempting to gain special privileges in order to take the effortless road of dependency upon the state (Harder, 2003; Harrison, Johnston, & Krahn, 2005). Presenting the complex problem of government spending in these simplified moral terms, coupled with ostensibly easy solutions of encouraging integration into markets, Klein's PCs easily won the 1993 election with large support from socially conservative groups (Stewart, 1995).

The first measure implemented by Klein in order to curb government spending and emphasize personal responsibility was to demand that all departments reduce spending by 20% in the fiscal year of 1993/1994 (Kinjerski & Herbert, 2000). Transformation of social assistance and social welfare to workfare immediately followed Klein's election. These transformations included lower payments, quicker claw-backs, and more stringent eligibility criteria (Lafrance, 2005). Similarly, supplementary benefits including telephone allowance and children's recreation allowance were eliminated (Kinjerski & Herbert, 2000). These changes saw social assistance caseloads cut in half in the period between 1993 and 1996, mainly through preventing new claims (Harder & Trimble, 2005; Kinjerski & Herbert, 2000). These changes also made Alberta the province with the lowest benefits for single parents, cutting the benefit a mother would receive by 25.6 per cent from 1986 to 1998 (Kinjerski & Herbert, 2000: 45; Lafrance, 2005: 277). Finally, these changes reduced the time a new mother could spend on assistance without having to undertake skills training programs and attempt to integrate into the workforce from 2 years to 6 months (Kinjerski & Herbert, 2000). The PCs presented this reconfiguration of social assistance as an effort to "make work pay" (Harder, 2003) and thus explicitly demonstrated the connection that this reorganization has with neoliberal strategies of making individuals responsible for meeting their own needs.

Despite this neoliberal agenda, Klein's PCs still oddly and problematically hung to a narrow definition of "family" in most of its policies. For instance, Klein's PCs threatened to disband the Alberta Human Rights Commission shortly after the 1993 election because the commission was beginning to investigate cases

of discrimination based on sexual orientation. Resistance by women's and community groups would save the commission, but it would take a Supreme Court ruling to ensure that the Alberta state did not *actively resist* extending rights to persons based on sexual orientation (Harder, 2003).

Of course, this does not mean that the Alberta state has *actively pursued* extending rights to these persons. In the few cases where an extension of rights to non-traditional family forms has occurred, individuals have actively fought for them. One of the most notable victories in Alberta occurred in 1999 when a same-sex female couple sued the Alberta Government, arguing that the "spousal" provisions under the 1985 Child Welfare Act were discriminatory since they excluded same-sex partners from adoption (Harder, 2003; Ohler, Apr. 23, 1999: A11). Upon threat of the case going to the Supreme Court, the PCs opted to revise the legislation to allow adoptions of children by same-sex "step-parents" in private adoptions. As Dr. Lyle Oberg, the Conservative Minister of Child and Family Services at the time explained, the specification of "step-parents" in this concession was crucial because the PCs feared that if the case went to the Supreme Court the court might classify same-sex partners as full legal spouses. The specification of "private adoptions" was also significant. Public adoptions and foster placements under mandates of child protection were still not required to consider same-sex partners as equals to heterosexual couples. Dr. Oberg defended this by stating that, "When it comes to public adoption, we intend to put the child in the best possible home, and there are a large number of heterosexual married couples who want children" (quoted in Ohler, Apr. 23, 1999: A11).

Despite the defensive strategy employed by the PCs in making this concession, and the clear statement that heterosexual nuclear families were preferred, socially conservative supporters of the Klein PCs vocally criticized this amended legislation. For instance, Hermina Dykxhoorn, president of the AFWUF decried:

> The sexes are not interchangeable. Children need the unique characteristics that both a man and a woman bring to a relationship.... To throw that away, to throw away thousands of years of human history, just to accommodate a trendy development is in our opinion wrong. I think it

> will prove itself to be wrong.... There's a constituency out here that wants to protect legal, heterosexual marriage as the norm, and those are people who aren't going away.There are many of us, and we will be heard from politically. (Quoted in Ohler, Apr. 23, 1999: A11)

Alberta's politics, then, demonstrate a simultaneous neoliberal project and socially conservative defense of the traditional family. This context makes investigation into the CYFEA and its presentation of "family" both unique and insightful. As I will demonstrate in chapter four, this context requires cautious negotiation. In chapter four, I also return to the topic of public adoptions to demonstrate another possible mutation in conceptions of "family". Outlining these previous neoliberal reforms is important because, as I will demonstrate in chapter two, these aggressive responsibilization strategies and their effects on families play a central role in the problematization of child welfare leading to the CYFEA.

Neoliberalism and child welfare administration in Alberta

Despite the magnitude of Alberta's neoliberal programs, child welfare fared relatively well in the earliest phases of curbing government spending implemented by Getty. For instance, while 7 out of 11 programs in Alberta's Department of Social Services saw significant decreases in the late-1980s, the Child Welfare Program was not among these; in fact, this program saw a modest and planned funding increase (Kline, 1997: 352). Ralph Klein's PCs, however, were not as merciful and sought to restructure the delivery of child protection services through the 1995 Action Plan for Children's Services.

The Action Plan was a strategy to privatize the work of Children's Services. It sought to decrease the size of the department to 10% of its former capacity (Kline, 1997). Child welfare bureaucrats told state employed child welfare workers that once the plan was implemented they would no longer have their jobs but would be assisting in finding private sector employment (Kinjerski & Herbert, 2000). Through the Action Plan the PCs delegated services previously provided by the state to the "community", understood as 18 Regional Child and Family Service Authorities and 16 First Nations and Family Services Agencies, each with elected volunteer boards of directors (Kinjerski & Herbert, 2000; Kline,

1997). The first regional authority was officially set up in Calgary in 1998 (Kinjerski & Herbert, 2000).

The Plan of Action for Children's Services thus drastically shifted the responsibilities within child welfare administration. Regional Authorities became responsible for the allocation of grants and the delivery of services, while the state reduced its responsibility for service provision, but retained its legislative role and the evaluation of how regional actors allocated funds (Kinjerski & Herbert, 2000; Kline, 1997). Despite claims to be uninvolved (a typical neoliberal strategy) the state remained involved in governing the Regional Authorities from a distance through determining the amount of budgets and mandatory services required by legislation (O'Malley, 1996; Parton, 1999; Rose, 1996). The Plan of Action for Children's Services also accorded greater responsibilities to the private markets. The PCs mandated Regional Authorities to privatize state services through contracting these services with private agencies. Of course, by the date of the 1995 Plan of Action some provinces, including Ontario and Alberta, had already privatized their support and adoption services (Callahan, 1993a; Kline, 1997). The Action Plan, however, went beyond these measures and was extreme in that it was the first ever attempt to privatize child *protection* services. The state no longer carried out the statutory mandate to protect children; rather, semi-private agencies were to regain control of these services through contractual bids.

According to Kline (1997), to legitimate these shifts in responsibilities onto private markets and communities, the PCs argued that "community" members had originally been successful in providing child welfare services. PCs criticized welfarist strategies that had brought these services into the formal branches of the state for being inefficient tax burdens on the citizenry and for not allowing communities and families to exercise their natural propensity to provide for the welfare of children. The Plan of Action, for example, concluded that, "It [was] time to let the community and the family resume their irreplaceable roles" (Alberta 1994 – quoted in Kline, 1997: 336). The PCs also drew on the claims of dissenting parties to legitimate their projects. The claims of First Nations that they ought to have a right to parent their children and work within their communities to

address problems were used to support the idea that handing services to communities was the best option. Critical Canadian scholarship on child welfare that critiqued its sexist and racist elements was even utilized to suggest that "the very systems and services established to help children and families… [had]…taken their toll on the family" (Alberta 1994 – quoted in Kline, 1997: 341).

Kline's (1997) analysis of the Plan of Action for Children's Services is the only literature on neoliberalism and child welfare in Alberta. Kline (1997) critically engages with the idea of "community" that is repeatedly appealed to within the Plan for Children's Services. She notes that the discourse about the ability of communities to provide child welfare services voiced by First Nations and critical child welfare scholars represents a much more progressive and collectivist view of community than that presented by the PCs. While the vision of community presented by the former is one of a representative collectivist public group with shared responsibility for one another, the vision of community presented by PCs simply represents a private entity detached from the state. Drawing on the voices of the former within PC claims is, argues Kline (1997), a legitimating strategy that appeals to the concerns of these groups and makes it appear as if they initiated and support the neoliberal agenda.

Kline (1997) further notes that the image of community presented by the PCs is far too totalizing and homogenous. The elected regional boards implemented under this strategy do not proportionately represent the marginalized individuals who will be the subjects of child welfare interventions. For instance, while First Nations children make up close to 50 per cent of child welfare cases, First Nations persons received only one of 14 seats on voluntary boards of directors for urban Regional Authorities. Likewise, there are no seats reserved for women from feminist bodies. The PCs' presentation of a homogenous "community", then, serves to hide important class, gender, and racial differences and obscures the differing impact that these neoliberal privatization strategies will have on various groups.

Many of the themes and strategies outlined by Kline (1997) to implement a regionalized child welfare service are similar to those used in the development of the CYFEA. Moreover, this regionalization of Albertan child welfare figures prominently into the critical discourse serving as the impetus for the CYFEA. Kline's (1997) focus, however, has been on the *administrative* changes toward a system of regionalized service delivery that emphasizes privatized community services. Not yet engaged with are *legislative* changes in child welfare that accompany neoliberal political rationalities. Further, although Kline's discussion of the role of "community" in neoliberal child welfare demonstrates the problematic use of this concept to conceal differences and legitimate projects, there has not yet been a critical engagement with formulations of "family" found in Alberta's contemporary child welfare strategies.

Conclusion

The historical review given here provides a sketch by which to contrast developments in the CYFEA to earlier features and happenings of child welfare. Moreover, this review displays that Alberta can clearly be located within the complicated and tense context of neoliberalism and social conservatism. Alberta's CYFEA therefore affords a fruitful opportunity to investigate how child welfare law and "family" are constructed and strategies of governance employed in this milieu. I attend to this investigation in the following chapters.

Chapter Two

Emergence of the CYFEA: Discursive Framework and the Silencing of Critique

Introduction

> "The agency [the Edmonton Social Planning Council] says cuts to social programs have put additional pressure on struggling families and triggered an increase in the need for child welfare services"
>
> -Allyson Jeffs, *Edmonton Journal*, Mar. 9, 2000: B5

> "The best interests and well-being of children was the starting point when developing the recommendations, along with the fundamental responsibility of parents for their children and the interests of the community"
>
> -Cenaiko, *Letter from the Chair* in *Strengthening Families, Children and Youth: Report and Recommendations from the* Child Welfare Act *Review, 2002*

The above two quotations depict the struggle surrounding the CYFEA and the focus of this chapter. The first suggests a discourse critical of the negative affects of neoliberal reforms on child welfare and Albertan families. The second demonstrates the key issues addressed in the newly developed legislation. It depicts a drastically different position that emphasizes the role of parents and family members in the well-being of children, while making little mention of how larger socio-political changes influence these actors. This chapter examines how, in the discursive struggle surrounding the CYFEA, the second position effectively silenced the claims of the first and reaffirmed a neoliberal approach to child welfare. I argue that the impetus for rethinking child welfare in Alberta stems from a counter-discourse that connected criticisms of previous neoliberal strategies to heightened caseloads and spending in child welfare. I then suggest that the political process used to develop the CYFEA and the discursive framework assembled in the legislative debates muted this counter-discourse.

This argument unfolds in three parts. First, I describe the "conditions of possibility" for the CYFEA's appearance as located in interpretations of the negative affects of neoliberal approaches on families. I reconstruct the problematization of child welfare in Alberta in the late-1990s. Second, I

document how MLAs reframed this problematization to the advantage of a continuation of PC neoliberal political directives.[3] This reframing draws on two central principles that link into two unquestioned frames for debate. Specifically, the discursive framework for engaging the CYFEA depicts permanency and parental-familial responsibility as stemming from the views of Albertans and as connected to the "best interests" of children. I argue that this framework is unassailable within the legislature. In these first two sections, I give a descriptive account of some of the major discourses surrounding child welfare and the struggle that ensued. I document how throughout this struggle only certain discourses were "given legs" and shaped the parameters of the CYFEA (Snider, 2006). The second section also describes the features of the new practice model for child welfare implemented through the CYFEA, the Alberta Response Model. In the third section, I problematize the discursive framework used by questioning the construction of permanency and the idea that the CYFEA embodies the views of all Albertans.

I - CYFEA's "conditions of possibility" in critiques of neoliberal strategies: Counter-discourse

The CYFEA has its "conditions of possibility" located within the effects of neoliberal responsibilization strategies implemented following Klein's election. The number of child welfare caseloads in the province following the 1993 election increased radically following a period of relative stability after the implementation of the 1985 Child Welfare Act (see Figure One, page 48). From 1992/93 to 1999/2000 the average annual caseload for child welfare services grew by 82 per cent to an average of 12,783 cases.[4] The number of individual children served in a single year grew by 60 per cent to 22,905 over that same period (Kinjerski & Herbert, 2000: 1).

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[3] I only briefly discuss how the new model of child welfare meshes with neoliberal political rationality in this chapter. I focus here on the discursive framework used in debating the CYFEA and discuss in more detail how the CYFEA reflects neoliberal strategies in the following chapter.

[4] The average yearly caseload "is the average of the twelve official monthly caseloads. The monthly average caseload is the number of cases open at the start of the month, plus the cases opened during that month minus the cases closed during that month" (Kinjerski & Herbert, 2000: 18).

Expenditures on child welfare also skyrocketed during this period despite the PCs' overall program of fiscal restraint. Specifically, the total child welfare expenditures by the department rose 83 per cent from $160 million in 1992/93 to an estimated $293 million in 1999/2000 (Kinjerski & Herbert, 2000: 1; Lafrance, 2005: 274). These spending increases, however, only kept pace with increased caseloads and did not constitute additional resources for new programs. In fact, the child welfare system for this period was continually under-funded as the budgets approved for each year were consistently less than the amounts required and the actual expenditures (Kinjerski & Herbert, 2000: 19).

This drastic climb in caseloads and spending served as the impetus for a questioning of child welfare practice and its corresponding division of responsibilities between public and private actors. Specifically, as I will demonstrate below, the caseload increase enabled individuals critical of the PCs' responsibilization strategies to connect their concerns to a public problem. In problematizing child welfare caseloads and previous governmental strategies, these actors instigated the process that led to the passage of the CYFEA, although their discourse had little bearing on the shape of the CYFEA and its reformulation of public and private.

Placing caseloads and neoliberal reforms on the public radar

The problem of caseloads first surfaced in the public media through the 1996/97 annual report of the Children's Advocate. Jean Lafrance, the Children's Advocate at the time, documented in his report a caseload increase of 16 per cent over the previous year and argued that the increased caseloads meant that some children and families were not receiving needed services. Lafrance exposed that "[o]n occasion, the volume of children reported to be in need of protection in Edmonton and Calgary were such that a wait list existed. Only those in immediate danger received prompt intervention" (quoted in Laghi, Oct. 16, 1997: A6).

Lafrance squarely and publicly blamed Klein's reforms to social assistance and their negative affects on families for the increase in caseloads and the resulting lack of services for children (Laghi, Oct. 16, 1997: A6; Knapp, Jan, 8, 2000: A1; Lafrance, 2005). The following excerpt from a news article written

by Brian Laghi for *The Globe and Mail* on October 16, 1997 demonstrates Lafrance's criticisms and his depiction of the state of affairs in Alberta's child welfare system:

> Mr. Lafrance said government welfare reform may be to blame for some of the increase. Under Premier Ralph Klein's administration, single parents with young children have been forced to search for employment, a factor that is creating difficulties for families, he said. Mr. Lafrance also said he has been forced to intervene in situations where parents were threatened with having to relinquish their children to child-welfare authorities because they could not meet basic needs. Some child-welfare officials have provided overburdened families with money for food by juggling other budgets. (A6)

Lafrance's annual report also argued that Klein's reorganization of child welfare played a central role in the increase in caseloads. Specifically, Lafrance documented that the shifts toward a privatized regional system and the impending loss of jobs among child welfare workers had led to high staff turnover. This high staff turnover, he argued, exacerbated caseloads because each time that a worker left new case plans for the children the worker was dealing with had to be developed. Consequently, many children languished in the system, not receiving permanency plans or speedy decisions about their fate. This, in turn, further contributed to the overwhelming caseloads of a dwindling workforce (Laghi, Oct. 16, 1997: A6).

Lafrance's depiction of a child welfare system in "a state of crisis" (quoted in Knapp, Jan. 8, 2000: A1; Laghi, Oct. 16, 1997: A6), however, did not receive sufficient public attention to initiate meaningful action by the government. Frustrated, Lafrance resigned from this post before the end of his term in disgust over the lack of willingness on the part of the PCs to implement changes and listen to his recommendations (Jeffs, Dec. 28, 1998: B1; Knapp, Jan. 8, 2000: A1). Following his resignation Lafrance publicly decried, "I hoped my plea for change would be listened to and apparently it hasn't" (quoted in Knapp, Jan. 8, 2000: A1).

Lafrance, however, might have underestimated the impact that his public resignation and criticism of the PCs would have on drawing attention to the

conditions of child welfare in the province. Having put the Children's Advocate Office on the public radar, the media attention given to the Children's Advocate Office following Lafrance's resignation perceptibly increased. Bolstering this attention was the recommendation of a report stemming from the death of a four-year-old boy, Jordan Quinney, who had been in and out of the child welfare system. In response, the report argued that the Office of the Children's Advocate ought to play a greater investigative role in all deaths involving children who were formerly part of the child welfare system (Goyette, Feb. 6, 1998: A14).

Lafrance's replacement, Bob Rechner, received much more publicity than his predecessor did. Rechner's first annual report echoed Lafrance when he stated that "the most serious problem within the Child Welfare system is the growing numbers of children it has responsibility to serve" (Children's Advocate, 1999: 15). Rechner noted that in the past year caseloads had again increased, this time by 8.3 per cent. He further observed that since 1994 caseloads had grown 55.9 per cent (Johnsrude, Aug. 7, 1999: A7). Rechner's report argued that under these conditions "children are often denied services or have to make do with reduced services, such as fewer treatment sessions with therapists, because staff feel pressured to cut costs" (quoted in Johnsrude, Aug. 7, 1999: A7).

Linking up to themes that had been dominant in the media, Rechner's report drew on the known frustration of Lafrance and his criticism of the political inertia of the PCs. Rechner noted that the concerns raised in his report stretched back a number of years but the PCs had done nothing about them (Lisac, Aug. 7, 1999: A12; Children's Advocate, 1999). In the introduction to his report, Rechner scathingly wrote that "many of the issues and deficiencies in the child welfare system are long-standing. It has become a challenge each year for the office to find different ways of essentially saying the same things" (Children's Advocate, 1999: 7-8).

Like his predecessor, he also squarely and publicly placed spending cuts by the PCs since 1993 as the cause of caseload increases and negative outcomes for children and families involved with the child welfare system. Rechner wrote:

> The demands on the child welfare system and the many dedicated staff who work it, are overwhelming. Child welfare workers carry heavy workloads, the work itself is emotionally draining, there are seldom sufficient and appropriate placement resources, and budgets are often under pressure in those areas of the province facing the greatest demands for service. In a system under pressure people cut corners in order to survive. Placement decisions are made based on what is available more than on what is appropriate. Permanency planning may not occur because there are more urgent priorities. Where case plans exist there may not be time to implement them. Adolescents…may be refused services if they are considered uncooperative. The common element in these symptoms of distress is a shortfall of resources. Staff time, money for appropriate placement resources, and funding for support services are all under pressure to meet steadily increasing needs. (Children's Advocate, 1999: 8)

Rechner followed these criticisms with a call for the Minster to initiate an independent review of the factors contributing to the caseload growth (Children's Advocate, 1999; Lisac, Aug. 7, 1999: A12).

Although the reports of the Children's Advocates produced the most public interest, a review of Alberta newsprint involving child welfare demonstrates that the Children's Advocates were not the only actors voicing criticisms about neoliberal strategies and linking these changes to stresses in families and thereby problems in the child welfare system. Leaders of professional social work associations voiced criticisms about the conditions of child welfare in Alberta. For instance, John Mould, president of the Canadian Association of Social Workers, commented at a conference on social work in Alberta that, "With decreasing resources and certainly not a decreasing need, it is a huge challenge for social workers to figure out how to meet the needs of clients". He further added, "The fact is that the level of poverty here is higher than what we as a society should be comfortable with and the poor in this province are carrying far more of the burden in terms of having to cope with cutbacks to services than anybody else" (quoted in Wood, Jun. 23, 1998: B2). Elsewhere, Jane Kruiken, president of the Alberta Association of Registered Social Workers likewise stated that Alberta's "social infrastructure has been slashed and never been rebuilt, so we have high levels of need out there and nowhere for these people to go" (quoted in Knapp, Jan. 8, 2000: A1).

A few opposition members also voiced criticisms. Linda Sloan, then Liberal Social Services Critic, argued, "There is a direct correlation between the growing child-welfare caseloads and the cuts to government services since 1993" (quoted in Johnsrude, Aug. 7, 1999: A7). In a different news report, Sloan goes on record saying, "This government is not committing enough resources to the needs of children.... What they are doing by holding to their policy of debt reduction and tax cuts as their first priority is they are condemning these children to a limited existence.... It seems hypocritical that they removed these children from homes because the homes do not provide security and safety, yet the government – as de facto parents – is failing to provide security and safety" (quoted in Henton, Aug. 16, 1999: A7). New Democrat Leader, Pam Barret, similarly succinctly argued, "The reason caseloads have increased is because of all the budget cutting" (quoted in Johnsrude, Aug. 7, 1999: A7).

Finally, community based anti-poverty groups also chimed in on the issue of caseloads. Linda Goyette's (Jan. 6, 1999: A8) coverage of the issue reports that the "Edmonton Social Planning Council...links the child welfare increase in Alberta to a simultaneous plunge in welfare payments to poor families."

To protect their reputations and defend their neoliberal agenda, PC members disputed the connection between their fiscal strategies and increases in child welfare. For instance, Dr. Oberg, Social Services Minister in 1999, and Michael Shields, spokesperson for Children's Services, argued that increased intolerance of harm to children and increased awareness about the legislative duty to report suspected abuse were the primary reasons for increased caseloads (Goyette, Jan. 6, 1999: A8; Knapp, Jan. 8, 2000: A1). Shields further asserted that the ongoing transformation of child welfare administration toward community based (regionalized) service provision would allow the number of child welfare cases to be brought under control (Henton, Aug. 16, 1999: A7). Iris Evans, the newly appointed Minister of Children's Services, further downplayed the caseload increases by arguing that, "We have this phenomenon across Canada of increased caseloads" (quoted in Johnsrude, Aug. 7, 1999: A7).

These claims, however, failed to convince many reporters who continued to depict the child welfare system as being in a state of crisis. Linda Goyette (Jan. 6, 1999: A8), for instance, reported that, despite Evans' claim that increased caseloads were a national problem, Alberta's increase in caseloads between 1993 and 1997 "was the largest in Canada" and that "[i]n the same period, child apprehensions actually decreased in five provinces and two territories." In a more dramatic fashion, Goyette (Jan. 6, 1999: A8) declared that, "The Scoop is returning to Alberta."

Reporters also linked the conditions of child welfare to concerns about fiscal restraint on the part of the government, thus casting the problem of caseloads to a wider audience who, if unmoved by the ethical implications of increased child welfare caseloads, might find resonance with their financial implications. Mark Lisac (Aug. 7, 1999: A12), for instance, charged that child welfare overshot its 1997/98 budget by $38 million. Goyette (Jan. 6, 1999: A8) similarly wrote,

> Alberta has cut $100 million from its social assistance budget since 1993, but has spent an extra $70 million on child welfare. The greatest increase in the caseloads since 1993 has been the removal of children from their homes. You'd think that the Family Values preachers and fiscal hawks in the Tory caucus would be banging on their desks and demanding to know why.

The independent review

In light of this negative press and growing public concern, Evans quickly agreed to Rechner's recommendation for an independent review into the causes of the increase in child welfare caseloads. She assembled a committee to appoint an independent company to complete a report by August 2000 that she anticipated would recommend solutions to the caseload problem (Lisac, Aug. 7, 1999: A12; Jeffs, Mar. 9, 2000: B12). The committee selected Val Kinjerski and Margot Herbert, both former social workers, to complete the study.

Kinjerski and Herbert's study was extensive. It consisted of an overview of child welfare literature and practices, an examination of government reports related to caseload growth, consultation with child welfare practitioners in other

jurisdictions, and surveys and interviews with major stakeholders in Alberta's child welfare system including front-line workers and the CEOs of Regional Authorities. The report, *Child Welfare Caseload Growth in Alberta: Connecting the Dots*, highlighted multiple and interrelated factors argued to have contributed to the growth in caseloads.

In many respects, the findings of the report corroborated the criticisms voiced earlier. Kinjerski and Herbert (2000: 4) argued that "the move to community based service delivery, created a climate of uncertainty and disempowerment as evidenced by the extremely high turnover rate at that time." The investigators claimed that this high staff turnover led to a less educated, less experienced, and overburdened workforce that was more likely to open a long-term case by using protective services in place of support services requiring greater skills and experience (Kinjerski & Herbert, 2000: 59). They further argued, reiterating Lafrance's criticism, that:

> The frequency of staff turnover contributes to caseload growth in a variety of ways. Perhaps the most frequent manifestation of the problem is that when a worker leaves a caseload there is often a time lapse before the caseload is reassigned, and very often the worker who is asked to cover the 'vacant' caseload already has a full caseload to cover, all of which tends to delay individualized permanency planning for children. (Kinjerski & Herbert, 2000: 67)

Kinjerski and Herbert (2000) also argued that a lack of coordination among departments and regions resulted in the duplication of services or in greater time lengths spent in the child welfare system due to the need to redevelop case plans for children and families when they moved regions. Echoing earlier claims of child welfare watchdogs, the authors argued that social spending reductions in other departments also contributed to caseload growth. They claimed that Klein's program of "[f]iscal restraints affected a range of other organizations that serve children and families, often resulting in these organizations narrowing their mandates. A significant increase in referrals to the child welfare system was noted during this same period" (Kinjerski & Herbert, 2000: 36).

The authors reported that interviews with child welfare staff confirmed that the reforms to social assistance implemented by the Klein PCs in 1993 were

the largest factor contributing to the increase in caseloads. The report quoted a regional authority CEO as saying: "Welfare reforms, which were introduced in May, 1993, significantly impacted socio-economically disadvantaged families, ultimately causing additional children to be at risk and in need of Child Protection intervention" (Kinjerski & Herbert, 2000: 43). As further evidence of this connection between social assistance cuts and child welfare caseloads, Kinjerski and Herbert (2000: 26-27) highlighted that investigation outcomes of "finding a guardian unable or unwilling to provide the necessities of life" increased by 44 per cent from 1995/96 to 1999/2000.

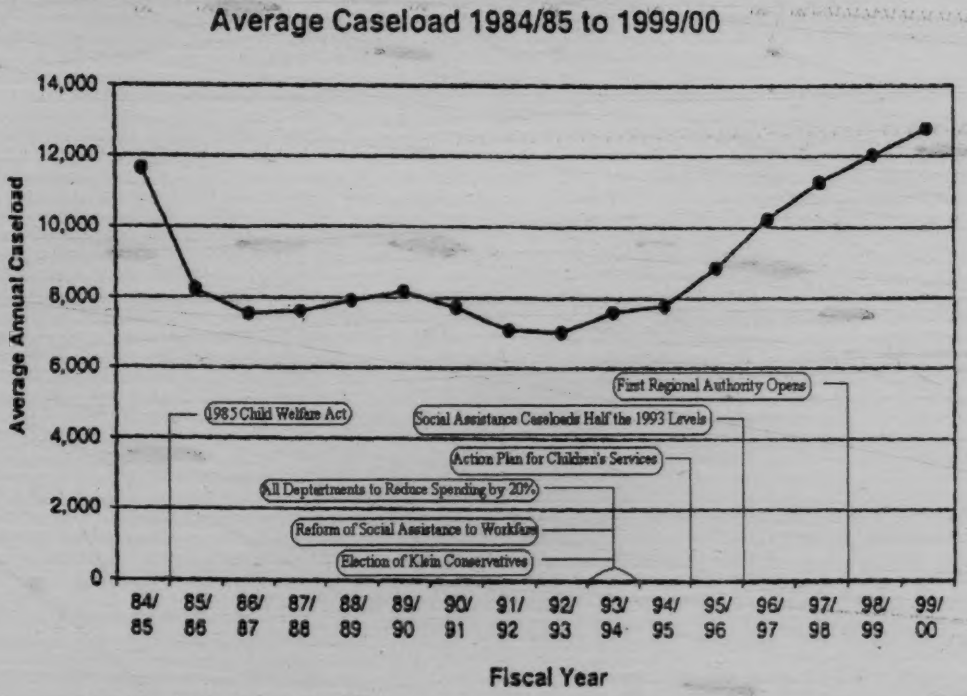
The application of neoliberal responsibilization and cost-cutting strategies was thus again singled out as the main causes of child welfare caseload increases. Many of the recommendations put forth by Kinjerski and Herbert (2000) to the PCs demonstrated attempts to reverse these strategies and re-implement a welfarist approach of shared responsibility, increased social provision, and a system led by professional expertise. For instance, one recommendation to the Minister of Children's Services suggested that she "[c]ollaborate with government colleagues to set increased welfare rates for families." Moreover, Kinjerski and Herbert (2000: 3) stated that these rates should ensure that "[f]amilies with dependent children who are receiving welfare have enough income to provide their children with life opportunities similar to those of other children in their communities." They also argued for heavy recruitment of trained professional staff that could ostensibly handle cases in a more effective manner and for increased wages and benefits to retain qualified staff.

Counter-discourse

A dominant counter-discourse surrounding child welfare in Alberta was thus one that was critical of previous neoliberal strategies of responsibilization. Central actors voicing these criticisms held expert status in child welfare and included organized social work bodies, certain female opposition members, the Office of the Children's Advocate, and independent reviewers of the work of the Ministry of Children's Services. Figure One highlights the claims of these actors

by displaying some of the PCs' neoliberal reforms alongside the average annual caseloads of Alberta's child welfare system.

Figure One: Annual Child Welfare Caseloads 1984/85 to 1999/2000 with Klein's Reforms



* Adapted from Kinjerski & Herbert (2000), page 17.

II - Reframing the issue: Silencing critique through a new discursive framework

The solutions proposed and implied by this counter-discourse obviously do not accord with neoliberal strategies of responsibilizing private actors. The caseload problem of the late-1990s and its initial problematization and framing presented a significant challenge to the neoliberal rationality of the Alberta Government.

The department's review of the 1985 Child Welfare Act

Nevertheless, Children's Services Minister Iris Evans tabled the report by Kinjerski & Herbert (2000) in the legislature on November 23, 2000. The findings and recommendations of the report received some media attention (Brooymans,

Nov. 1, 2000: A7; Faulder, Nov. 7, 2000: B7), but any ability for the report to gather sufficient support for its recommendations was ruptured by an election call. Election coverage largely overshadowed concerns about child welfare caseloads, despite their continued increase. Following her re-election in 2001 and the election of another PC majority, Evans retained her post as the Minister of Children's Services and announced in the spring that a full review of the 1985 Child Welfare Act would be completed (Jeffs, May 24, 2001: A6). Evans appointed the newly elected rookie PC backbencher, Harvey Cenaiko, to chair the review committee (Jeffs, May 24, 2001: A6; Koizey, May 24, 2001: A11). The committee was not an all-party committee; rather, Cenaiko was the only MLA on the committee while the rest of the members were drawn from the management of Children's Services and the Regional Authorities (Alberta Children's Services, 2002).

The Child Welfare Act Review included an examination of child welfare practices and legislation provincially, nationally, and internationally, over 140 public consultation meetings, meetings with current employees in the child welfare system, and a review of over 600 submissions from concerned stakeholders (Alberta Children's Services, 2002). The review committee released a report in October of 2002 titled *Strengthening Families, Children and Youth: Report and Recommendations from the Child Welfare Act Review, 2002* (hereafter simply called the review report). The review report provided the recommendations that formed the CYFEA. As I will demonstrate below, it also played a significant part in a new discursive framework for thinking and talking about child welfare that silenced pervious criticisms about the negative effects of neoliberal strategies on families and the accompanying welfarist solutions of this view.

First frame of the debate: "Albertans" opinions in the review

The review became a justification for the contents of CYFEA and its new model of practice – the Alberta Response Model – that attempts to streamline

child welfare cases according to risk assessments.[5] More specifically, the idea that the review represented the views of Albertans formed a primary frame though which MLAs examined and presented the CYFEA. Every debate in the legislature for Bill 24, which implemented the Alberta Response Model, opened with claims that the "legislation is based on what was heard from Albertans during the Child Welfare Act Review that was launched in the Spring of 2001" (Cenaiko, *Alberta Hansard,* March 4, 2003). Even the Opposition framed its engagement with the Bill in terms of how well the legislation fully represented the views of Albertans uncovered in the review. For example, Dr. Don Massey, the Liberal Children's Services Critic, prefaced his comments on the Bill in second reading by stating that his intent was to see how well the legislation mirrored the positions laid out in the review.

> The speaker at that time [Cenaiko] made a number of points about the legislation, and it prompted me to go back to the review that the member had been responsible for conducting for the government and the kinds of principles that were outlined in that review. Because we're in second reading and it's our opportunity to examine the principles on which the legislation in based, I think it's appropriate that we look at those principles and then, as we proceed to Committee of the Whole, make some judgments as to whether the principles as enunciated really are carried out in the details of the legislation. (*Alberta Hansard,* April 7, 2003)

Similarly, Liberal MLA Mr. Bill Bonner avowed that his engagement with the Bill would concern how well it reflected the values discussed in the review.

> In looking at the report *Strengthening Families, Children, and Youth*, one of the things that I'd like to focus on tonight in my discussion is the statements under Our Vision and Values. These are outlined in that review, and these are the principles that we are looking for in this legislation. We're looking for the details that support these visions and values. (*Alberta Hansard,* April 7, 2003)

The assumption that drove all members, and set the parameters for debate, was, then, that the review report reflected the views of Albertans, and as such ought to shape the CYFEA.

Accepting claims that the review report reflected the views of Albertans was a surprisingly credulous position for opposition MLAs considering that only

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[5] I discuss the features of this model in more detail in the next section of this chapter.

one MLA, a PC member (Cenaiko) who chaired the committee, helped compile the report. Massey, for his part, had originally questioned the legitimacy of the review. He asked Evans in the question period the day the review was announced, "given the past recommendations concerning the Children's Advocate have been ignored, isn't this falls consultation really a sham?" (*Alberta Hansard,* May 23, 2001). The NDP leader at the time, Raj Pannu, also challenged the legitimacy of a review without an all-party committee (Jeffs, May 24, 2001: A6). Nevertheless, once the review was completed, and its recommendations presented in the form of the Bills constituting the CYFEA, there were no such arguments. The only concern with the review was that the principles therein, allegedly reflecting the views of Albertans, found adequate representation in the legislation. In fact, the Opposition defended its acceptance of the legislative changes based on the perception that individuals involved in the review had their concerns met through the CYFEA.

> I have to say that given the length of the bill and the topics that were covered and the changes that we find here, there was surprisingly little contact with our office about it.... I attribute that in part to the department and the manner in which the review of the act was carried out across the province. I think the people had an opportunity to have their say and to check and see if their concerns are reflected in the legislation. (Dr. Massey, *Alberta Hansard,* April 29, 2003)

Permanency and parental-familial responsibility: Describing the Alberta Response Model

The CYFEA easily passed through the legislature so long as MLAs connected it to principles allegedly stemming from the views of Albertans. Two concepts from the review report proved central in the Alberta Response Model and debates. These were "permanency" and "parental-familial responsibility". These concepts served a triple function. First, they shaped the main contours of the CYFEA and the Alberta Response Model. Second, PCs claimed that they stemmed from the opinions of Albertans and were in the "best interests" of the child; as such, they served as the primary justification against criticisms. Finally, they reasserted a neoliberal agenda of responsibilization in child welfare. I address this latter point more fully in the following chapter.

The review report stated that one of the principles used to shape the CYFEA was that: "Loving, stable, nurturing and sustainable relationships are imperative in a child's development. Children need *permanence* in their young lives as soon as possible as the developmental window for children is narrow" (Alberta Children's Services, 2002: 5 – my emphasis). The "matters to be considered" in the CYFEA place permanency as an additional consideration that was not present in the 1985 Child Welfare Act. Section 2(b) reads that all persons making decisions under the act must consider "the importance of stable, *permanent* and nurturing relationships for the child" (Gov. of Alta., 2004: sec. 2(b) – my emphasis).

The second guiding concept from the review was "parental-familial responsibility". The review report maintained that one of the principles emerging from the consultation and shaping the CYFEA was that: "Parents are responsible for the care and supervision of their children" (Alberta Children's Services, 2002: 5). The CYFEA situates the primary responsibilities of families to care for their children as a "matter to be considered" in all child welfare decisions. This concept emphasizes to workers that they ought to try to keep families together. Section 2(e) reads:

> the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end
>
> (i) if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the children from the family… (Gov. of Alta, 2004)

The Alberta Response Model heavily reflects these two principles. This model consists of two main directives. The first is "differential response" and "involves the provision of early assessment and support services to lower risk children and parents who are motivated to address the issues that threaten the safety of their child." Meanwhile "those cases where the risk to children is higher or where the family will not address their needs voluntarily" go through "a child protection services investigation to determine whether or not the child needs

mandatory protective services" (Alberta Children's Services, 2002: 29). The new practice model, then, contains two streams. Those seen as low risk and willing to adopt personal change are dealt with through community support services where they will be encouraged to keep their parental responsibilities and taught skills on how to fulfill them more effectively. Those deemed high risk or as uncooperative in accepting their parental responsibilities undergo further investigation.

The second directive of the Alberta Response Model is "concurrent planning". It only involves those cases seen as uncooperative or high risk and which are therefore undergoing further investigation due to parents' perceived inability or unwillingness to accept their responsibilities.

> Concurrent planning involves the practice of developing two plans. *The first is the preferred plan and focuses on reunification with the child's family.* At the same time, a second plan is developed which is an alternative or contingency long-term permanency plan, which may include adoption. If the goals in the first plan are not met within the designated time frame, the second plan comes into effect. (Alberta Children's Services, 2002: 30 – my emphasis)

Only those cases seen as high risk, then, face the usual tutelary complex involving the coercive threat of the dissolution of parental rights through law. Where parental rights might be transferred, workers are mandated to consider "the benefits to the child of placement within the child's extended family" (Gov. of Alta., 2004: sec 2(h)(i)). However, the concurrent planning process emphasizes the preservation of earlier familial configurations and the promotion of parental responsibilities. The Alberta Response Model mandates that workers simultaneously prepare for the "preferred" option of reuniting the family and directing them toward community services, and, in extreme cases of risk, to prepare for the less desired option of placing the child permanently into a new home.

The CYFEA shortens the time allotted to child welfare workers to make placement decisions. Children under six can only be under state care in a temporary guardianship agreement for 12 months. After these 12 months, the possibility of reuniting a child with his or her family terminates and workers make efforts to place the child in the already partially planned new permanent

placement. For children age six and over this cumulative time period is a maximum of 15 months (Gov. of Alta., 2004: sec. 33). Prior to the CYFEA, each temporary guardianship order allowed a child to be in state custody for up to three years. Moreover, a worker could place multiple temporary guardianship orders on the same child, often leading to multiple placements and some children spending a considerable amount of their childhood in some form of state-subsidized care. The review report argued that this new "process fosters early decision-making for the permanent care of children by reducing the time it takes to achieve a permanent placement for children and youth in their familial home, with extended family, in their community or through adoption" (Alberta Children's Services, 2002: 30).

The Alberta Response Model therefore intends to places a greater emphasis on parental-familial responsibility and permanency. Parents are to remain responsible for the care of their children in all but the most extreme (risky) cases. Where workers perceive parents to be unwilling or unable to take these responsibilities, other family members are encouraged to do so. Shortened timelines and increased finality to decisions address concerns over permanency for children. In this respect, the Alberta Response Model meets a neoliberal mandate of responsibilizing private actors – first parents and then other family members. Families are to hold their responsibilities permanently.

The emphasis on community services for most cases and shortened timelines in state care also mesh with a neoliberal aim of decreasing state responsibility for the care of children. In chapter two, I further discuss how these and other changes reflect neoliberal strategies of responsibilization. In what immediately follows, I continue to focus on how the notions of "permanency" and "parental-familial responsibility" link into a discursive framework through which political actors debated the CYFEA.

Second frame of the debate: Permanency and parental-familial responsibility as in the "best interests of the child"

The CYFEA and Cenaiko maintain that the best interests of the child remain the foremost consideration in child welfare decisions. In the preamble to

the "matters to be considered" in section 2 of the CYFEA it states that "all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child" (Gov. of Alta., 2004). However, the "matters to be considered" are used to calculate the "best interests of the child". Cenaiko's comment below demonstrates that this calculation corresponds with a number of the principles in the review report.

> It was mentioned that section 2 of the act [i.e., the matters to be considered] should be strengthened to reflect the best interests of the child as the overarching consideration when making decisions under the act. Mr. Chariman, section 2 has in fact been strengthened to clarify that the best interest of the child is the overarching consideration when making decisions concerning a child in need of intervention. The other matters set out in section 2 must be taken into account when making decisions affecting the child. These matters include such fundamental considerations as the child's familial, cultural, social, and religious heritage and the importance of stability and continuity of care and relationships in the child's life. *While these fundamental considerations may inform the determinations of best interests, they do not override that determination.* (*Alberta Hansard,* April, 29, 2003 – my emphasis)

The CYFEA thus conflates the "matters to be considered" and "the best interests of the child". The review report further claims that insofar as permanency for children is concerned: "Research has proven that children under six.are quickly at risk developmentally if they are unable to form loving, stable and sustainable relationships" (Alberta Children's Services, 2002: 15). The report concludes that, "Children need *permanent* homes as quickly as possible for their emotional well-being" (Alberta Children's Services, 2002: 14, 30 – my emphasis). Thus, parental-familial responsibility and permanency – found in the review report and embodied in the "matters to be considered" and the directives of the Alberta Response Model – comprise the "best interests of the child". Consequently, the Alberta Response Model is in the "best interests" of children.

The unassailable discursive framework of the CYFEA

Presenting the notions of permanency and parental-familial responsibility as 1) stemming from the views of Albertans uncovered in the review, and 2) being

in the "best interests" of children, the CYFEA and the Alberta Response Model became unassailable in the legislature.

Attacks on the Alberta Response Model were forced to compete with this discursive framework. Consequently, any criticisms of the Alberta Response Model were liable to be interpreted as going against the wishes of Albertans and failing to protect the interests of vulnerable children. This is an untenable position for any MLA. MLAs in a democratic system would seldom dare to say that they are not in support of what the electorate wants and thinks is best, given that being a representative of that body is the definition of their job. Moreover, as Parton (1991) notes, the dominance of the construct of children as vulnerable and dependent persons requiring adult protection make matters such that no member could oppose an initiative that was claimed to be in their "best interests". In short, what MLA can afford to eschew his/her electorate and be seen as not wanting to protect vulnerable and dependent children? The opposition members, then, had to accept that the "best interest of the child" are indeed fulfilled through securing permanent stable bonds and increasing parental responsibility, and in so doing were forced to concede that the Alberta Response Model is (at least partially) in the "best interests" of children.

The effectiveness of this discursive framework was apparent in the widespread agreement that opposition MLAs had with the primary principles of the Alberta Response Model. For instance, all opposition members who spoke about the second Bill comprising the CYFEA expressed concern over the removal of sections concerning the responsibility of parents to contribute financially to children in state care. Cenaiko presented these provisions as measures that highlight "the importance of parental responsibility through financial contribution" (*Alberta Hansard*, April 29, 2003). Ms. Laurie Blakeman's (Liberal MLA) statement, as but one example, demonstrated agreement on the part of the opposition with enforcing this parental responsibility.

> I'm a proponent of the maintenance enforcement program and of court-ordered support for children. I'm not sure why I'm seeing the government abolish all the rules that we have been operating under or what we understand has been the relationship we expect to have there, why it's all

> being taken out, including avenues of appeal, when the thing starts, when the thing ends, how one appeals it, how one buries it. All of those rules are now struck and I would like to know why. (*Alberta Hansard*, March 16, 2004)

These concerns were unnecessary since the reason for the removal of the sections from the CYFEA was not that child welfare would no longer have the mandate to impose this form of parental responsibility, but that the new Family Law Act already outlined the details of how such financial responsibility would be enforced (Jablonski (PC MLA), *Alberta Hansard*, March 17, 2004). Nonetheless, these concerns displayed the agreement that opposition MLAs had with the principle of parental responsibility. Similarly, Mr. Bonner (Liberal MLA) demonstrated that it was felt that all members see permanency as in the "best interests" of children.

> [W]hen looking at the principles that were in the report and the principles that we see in this legislation, Mr. Speaker, *we all realize* that children are best served in "loving, stable, nurturing and sustainable relationships" and that these are absolutely paramount in the development of any child, and in order to have that stability, children need some type of permanence in a situation. I look at this particular bill, and certainly many, many of the recommendations and principles that are enshrined in this bill point to permanence in those situation. (*Alberta Hansard*, April 7, 2003 – my emphasis)

The above quotation linking permanency unquestioningly to the "best interests" of children, and the pervasive concern with the review report, suggest that agreement with these central principles was due, in part, to the discursive framework that suggested these principles were in the "best interests" of children and that the electorate wanted them to form the backbone of child welfare law. The discursive framework employed to present the CYFEA therefore aided in ensuring agreement with the directives of the law.

This discursive framework also effectively numbed potential criticisms. The difficulty of formulating criticisms of the law within this framework was apparent in a number of Massey's remarks. For instance, Massey stated that "there has been concern expressed that the children's best interests are going to be forfeited in some cases to trying to hold parents responsible for what we would

hope they would take as their responsibilities for their youngsters" (*Alberta Hansard,* April 7, 2003). This comment demonstrates a concern framed as both 1) a concern for the "best interests of the child", and 2) coming not from MLAs but from unidentified Albertans (who has expressed the concern is not clear, but Massey did not take credit for it). However, the comment also reveals that Massey expressed overall agreement with the primary principle of parental-familial responsibility (these were responsibilities that he hoped parents would take). The comment demonstrates that MLAs could not effectively challenge the CYFEA's formulation of what is in the "best interests" of children; such a challenge had to appear as coming from sources allegedly external to the political apparatus.

Partial agreement with the central principles of the CYFEA was also apparent in criticisms about the shortened timelines of the Alberta Response Model. Massey said that the Alberta Response Model "processes children into adoption streams sooner, and it ultimately depletes or *lessens the department's financial commitment*. It that the intention? Is that the reason for those changes? *In some cases, of course, this would be good, with long-term stability provided for children earlier*" (*Alberta Hansard,* April 29, 2003 – my emphasis). Here Massey alluded to a possible neoliberal agenda of "lessened financial commitment" on the part of the state, but this potential criticism of an ulterior motive to the Alberta Response Model was mitigated by the position that this decreased state responsibility is, at least in some cases, in the "best interests" of children insofar as it secures permanency.

The defense of the Alberta Response Model's decreased timelines further revealed the effectiveness of framing the CYFEA as stemming from Albertans and being in the "best interests of the child".

> An issue was raised that provisions for shortened cumulative time in care will simply process children into the adoptive stream sooner and lessen the government's financial obligation for these children. Mr. Speaker, one of the goals of this act is to achieve earlier permanency for children who are under the guardianship of the child welfare director. The purpose of legislating cumulative time in care is to ensure that a child does not languish in the child welfare system. The need for early permanency was a major theme that emerged from the public consultation process. Research shows that the accelerated pace of development for young children

> increases the need for stability and opportunity to form a permanent bond in the early years. The shortened cumulative time in care will be facilitated and supported by other changes in the act. In particular, concurrent planning will strongly emphasize early efforts to reunify the child and the family. (Cenaiko, *Alberta Hansard,* May 7, 2003)

Cenaiko thus defended the neoliberal reduction of state responsibility found in shortened timelines and increased familial responsibility as measures that ensure permanency. Additionally, he advocated that these measures stemmed from the "public consultation process" and that expert researchers had proven permanency to be central to the development of children (i.e., in their "best interests"). Moreover, Cenaiko contended that the increased emphasis on parental-familial responsibility would "facilitate" this permanency. In a typical defense of the CYFEA, it was argued that both parental-familial responsibility and permanency, the guiding constructs for the CYFEA, emerged from the views of Albertans and were in the "best interests" of children. Positioned as such, the CYFEA and Alberta Response Model successfully defended against Opposition criticism.

In more Foucauldian terms, the discursive practices of MLAs constituted conditions whereby members could not appear to be going against the wills of Albertans or not protecting the "best interests" of vulnerable children. By linking permanency and parental-familial responsibility to both of these frames, MLAs had to accept the CYFEA and the Alberta Response Model or they would likely be ridiculed for not fulfilling their duties as adults (protecting the "best interests" of children) and elected officials (representing the views of Albertans). As such, MLAs had to accept the neoliberal agenda of decreased state responsibility and increased parental-familial responsibility, among other neoliberal initiatives discussed in the following chapter. The discursive framework employed and the initiatives it carried thus undermined earlier criticisms about the negative effects of neoliberal strategies. This counter-discourse formed the impetus for the CYFEA in the first place. However, calls, ostensibly by Albertans, to ensure permanency and parental-familial responsibility replaced concerns about the negative effects of neoliberal strategies on families.

III - Problematizing the discursive framework

Problematizing permanency as "best interests"

Although linking permanency to the "best interests" of children and to the opinions of Albertans makes the concept virtually unassailable in the legislature, we ought to interrogate this central concept. Many authors have demonstrated the pliability of the notion of "best interests" to meet particular aims (e.g., Chunn, 1988; Kline, 2006; Piper, 2000). However, linking permanency to "best interests" is a new and unexplored development in child welfare. Like the idea of "best interests" more generally, permanency is also a construct that changes shape in various socio-political contexts.

Recall from the introduction that claims about the importance of stable and permanent attachment bonds to the development of children emerged in Alberta through white foster parents who used these claims to trump considerations of culture in determining the "best interests" of the child in order to return aboriginal children who had allegedly formed bonds with them to their care. Now, in a partial reversal, the CYFEA uses the importance of attachment bonds to place family preservation and reunification as the preferred choice for children. However, in line with this earlier formulation, family members face decreased timelines in which they must demonstrate that they can meet the expectations of parenting outlined in the CYFEA; if they fail to do so, the removal of the child to another familial environment is permanent with no opportunity for reunification beyond that decision.

Permanency was also a central concern within the counter-discourse setting the impetus for the CYFEA. Child welfare watchdogs, including Lafrance, Rechner, and Kinjerski and Herbert, noted the lack of permanency and multiple moves between foster homes that many children experienced because of worsened working conditions for child welfare staff under regionalized and privatized administration. Another central component of this counter-discourse was that the increased marginalization accompanying neoliberal strategies of responsibilization was associated with increased household turmoil and higher

chances of neglect and abuse (Lafrance, 2005; Kinjerski & Herbert, 2000). The ideas of these actors that increased social provisions to offset poverty and marginalization, or mandated higher wages for workers, would add some stability and permanency to children's lives, however, do not make their way into the review report or the CYFEA.

Instead, the CYFEA constructs permanency as stable care within a strictly familial setting; it does not include any state responsibility for permanency except in order to enforce it through community services or new child placements. Elsewhere, in the online orientation for child welfare workers titled *Building Strong Families: The Child, Youth and Family Enhancement Act*, permanency is repeatedly defined in boldface print (in fact, it is the only directive given in this typecast) as "**placement other than the care of the director**" (Gov. of Alta., 2006: online). This emphasized definition demonstrates that the concern with permanency and the attachment bonds of children is also (more so?) about reducing the amount of time that a child spends in the care of the state. The "best interests of the child" as being speedily placed in a permanent stable home, then, coincide with a neoliberal political rationality that emphasizes parental responsibility and shortens the state's responsibility for care.

In addition to noting the alliance between the formulation of permanency in the CYFEA and a larger neoliberal mandate of responsibilization and decreased state responsibility (which I explore further in chapter two), we ought to ask whether securing and calculating permanency is a feasible task in the first place. Although it is argued that multiple moves and long times in government care impact the ability of children "to form normal attachments and healthy emotional and physical development" (Alberta Children's Services, 2002: 14), there is no guarantee that children remaining in familial settings will form permanent bonds. How does placement in a family determine that the family does not go through changes? How can one ensure the stability of a family unit in times when interpersonal unions are likely to end in dissolution? Families are liable to break-up, or face deaths, or move locations, or add members through birth and adoption; yet all of these reconfigurations and decreases in stability are not reflected upon in

discussing the importance of permanency for children brought to the attention of child welfare services. Permanency and stability of familial environments, then, reflect a future forecast that is necessarily unknown, and, as discussed in the introduction, increasingly so. The always uncertain future status of permanency and stability further suggests that the claims that permanent stable bonds are in the "best interests" of the child's development are perhaps used more to meet neoliberal goals than to ensure child well-being. That is, these claims serve as a smokescreen. They are more about highlighting the importance of familial responsibilities and ensuring that child welfare workers place putting a child in a "**placement other than the care of the director**" (Gov. of Alta., 2006: online – emphasis in original) as their primary objective, than they are about child well-being and development.

Problematizing "Albertans"

The other frame used in the debates, that the report echoes the views of Albertans, also needs critical examination. In fact, a close reading of the review report itself unravels the idea that the report reflects a homogenous view of Albertans. Cenaiko's opening letter to the Minister, which forms the preface of the review report, contained a number of inconsistencies that challenged this frame. For instance, Cenaiko claimed that the report's "recommendations have been developed after listening to and reviewing the input of stakeholders from within Alberta" (Cenaiko, 2002 *Letter from the Chair* in Alberta Children's Services, 2002). Yet, in the same letter, he wrote that those views were diverse and required negotiation, but that such a negotiation could not undercut the values and principles of the report.

> Difficult choices had to be made in coming up with some of the recommendations. In listening to and reviewing the submissions received, it was clear that people's views were strongly held and their values were expressed well. *Yet of course not everyone agreed with everyone else.* I want those who find that some of the recommendations are not what they had hoped, to know that I did hear their concerns and understand their issues. *The differing perspectives were weighed carefully and a balance had to be sought, but not at the risk of moving away from the values and principles expressed in this report.* (Cenaiko, 2002 *Letter from the Chair* in Alberta Children's Services, 2002 – my emphasis)

These claims by Cenaiko do not mesh, nor do they support the idea that the views of Albertans informed the recommendations constituting the CYFEA. On the one hand, Cenaiko argues, both in the review report and the debates, that the principles underlying the CYFEA came from the opinions expressed by Albertans in the consultation process. On the other hand, in the review report Cenaiko states that in balancing the differing perspectives the review committee aimed not to upset the values and principles of the report. But were not these values and principles (that here need to be protected) supposed to have been derived from the views of Albertans in the first place? Cenaiko thus simultaneously contends that Albertans' views formed the CYFEA, yet the CYFEA had to be protected from some of these views. The claim that there was a homogenous view among Albertans concerning child protection that the report or the legislation captured is therefore misleading. Additionally, the idea that the values and principles were in fact derived from an overview of all the positions presented is suspect, considering that it is stated that in reviewing these positions it was felt that a certain set of values and principles needed to be preserved.

This inconsistency suggests that the PCs already had a set of principles in mind by which they hoped to reorder the practice of child welfare prior to undertaking the review. What these predetermined principles might have been is suggested in an early paragraph of that same letter by Cenaiko.

> The *best interests and well-being of children* was the starting point when developing the recommendations, along with the fundamental *responsibility of parents* for their children and the interests of the community. *As well*, throughout the process the values and principles of the people of Alberta were considered and efforts made to integrate those into the intent of the recommendations. (Cenaiko 2002 *Letter from the Chair* in Alberta Children's Services, 2002 – my emphasis)

The first sentence suggests that children's best interests (elsewhere connected to permanency) and parental responsibility were the positions that the PCs took as their starting point. The last sentence, begun with the phrase "As well", suggests that *in addition* to these two principles the review committee considered the views of Albertans. The connecting phrase suggests that the two starting principles and the views of Albertans were potentially *separate* things. Thus, the views heard in

the consultation did not necessarily inform the two primary principles used by the PCs in both the text and debate of the CYFEA.

Reflection upon who was involved in the review process further exposes a lack of consideration of views counter to the principles of the PCs. The review process entailed meetings with current child welfare workers and regional CEOs. Many of these would have been the same individuals who only about a year earlier stated in the Kinjerski and Herbert (2000) report that the social assistance reforms of the PCs were primarily responsible for drastic increases in poverty and thereby child welfare caseloads. We find no mention of these views in the report, nor do we find any evidence that they comprise any part of the CYFEA. The participants in the review process suggests, however, that claims were presented that were more critical than calls to simply bolster the responsibility of parents and families without bolstering the responsibilities of the state to provide material assistance.

In debating the CYFEA politicians construct the citizenry as the experts on child welfare. In fact, the expertise of child welfare workers, who were likely critical of neoliberal strategies, is trumped by these appeals to "Albertans". This is drastically different from welfarist approaches to child welfare, discussed in the introduction, where professional social workers wielded expert legitimacy and guided the direction of child and social welfare. Constituting everyday Albertans as experts enables the silencing of these voices. Moreover, presenting everyday Albertans as experts reflects the continuation of neoliberal strategies of responsibilizing private actors. Specifically, this representation constructs Albertans as having the capacity to govern themselves, without needing the state or child welfare experts to dictate what is in the "public good". It encourages the acceptance of the CYFEA by making it appear as chosen by the people and disguising the role that the state plays in ordering the lives of individuals (Rose, 1990).

The appeal to some homogenous group of "Albertans" falls, however, into the same criticisms given by Kline (1997) about the use of "community" to promote the regionalization of child welfare services in Alberta. There is no such

unified group and presentations that consensus exists serves to hide important differences of opinion.[6] This presentation of an image of unified Albertans allows the PCs to present their predetermined guiding principles for child welfare as being mandated from the citizenry and not their own agenda. The state uses community consultations to make it appear as though its directives are supported; these consultations are appealed to in order to make the decisions appear as democratic although the processes and conclusions were far from representative (Harder, 2003). In short, the idea that there is an "ideological unanimity among Albertans…has proven quite useful to right-wing politicians presenting themselves as humble servants of the collective will and claiming to speak with a unified voice of ordinary Albertans" (Soron, 2005: 66).

Conclusion

A problematization of increased child welfare caseloads and spending as the negative affects of neoliberal strategies, especially the regionalization of child welfare administration and the reforms of social assistance, was the impetus for a rethinking of child welfare in Alberta. This counter-discourse established its voice through a number of child welfare experts and posed a potential challenge to the neoliberal art of government unfolding in Alberta. This discourse, however, was subverted through a department led review and a discursive framework composed of permanency and parental-familial responsibility as stemming from the views of Albertans and being in the "best interests" of children.

The discursive framework employed enables a concern for permanency and parental-familial responsibility to replace the counter-discourse linking negative effects of neoliberal strategies on families to increased child welfare cases, resolving the problems that this counter-discourse posed to Alberta's neoliberal art of government. Consequently, the continuation of neoliberal strategies is made possible through the subversion of this counter-discourse. I have alluded throughout this chapter to ways that the CYFEA and Alberta Response Model continue to rely on neoliberal strategies of governance. In the

[6] For a discussion of the diversity of political views among Albertans see Soron (2005).

following chapter, I explore in more detail the strategies of governance employed by the CYFEA.

Chapter Three

Responsibility in the CYFEA: Neoliberal Strategies of Governing in Child Welfare

Introduction

The previous discussion documented the political process and discursive framework assembled to implement the CYFEA and silence a discourse critical of neoliberal agendas. I suggested that the practices outlined in the CYFEA and Alberta Response Model in fact perpetuate neoliberal positions. In this chapter, I flesh out this argument by documenting the division of responsibilities and strategies of governance employed in the CYFEA. Specifically, I argue that the CYFEA attempts to responsibilize parents and encourage them to engage in their own self-governance. Where this fails, attempts to responsibilize other private actors ensue through the transfer of parental responsibilities. I also demonstrate that the CYFEA extends responsibilization techniques beyond parents, to include communities, social workers, children, and families. Accordingly, this chapter takes the topic of responsibility in child welfare and its reconfiguration under the CYFEA as its focus. I maintain that this reconfiguration is in accordance with existing literature on neoliberal strategies of governance.

To explicate these neoliberal strategies I continue to describe the changes in practice and discourse implemented through the CYFEA. This discussion unfolds in two parts. First, I outline how the CYFEA recasts the division of public and private responsibilities along neoliberal lines. Second, I discuss the strategies and discourses in the CYFEA and the Alberta Response Model that attempt to implement and enforce this division of responsibilities. This chapter attends to what responsibility means in this law for ostensibly private (parents, families, children, communities, child welfare workers) and public (state) entities.

I – Responsibility in the CYFEA: Neoliberal divisions

The CYFEA and the review report make it clear that the care of children is the responsibility of families, parents, and communities, and not that of the state. The review report is rather explicit in this. It states that the intention of the

CYFEA was to "build a legislative framework that will protect Alberta's children, as well as support families and communities in *their* fundamental role of providing security, caring, and opportunities for children and youth" (Alberta Children's Services, 2002: 7 – my emphasis). This is echoed in the CYFEA where it states, "*the family is responsible* for the care, supervision and maintenance of its children" (Gov. of Alta., 2004: sec. 2(e) – my emphasis). Elsewhere, the CYFEA reads, "the child's family should be referred to *community services* to support and preserve the family and to prevent the need for any other intervention under this Act" (Gov. of Alta., 2004: sec. 2(h) – my emphasis). The responsibilities of interest to the CYFEA are therefore those that concern the care and protection of children, and the supports to actors who provide this care and protection. These documents single out families and communities as the agents responsible for these tasks, while the state is apparently not to provide direct care, protection, or support, but to act at a distance in order to facilitate other agents in taking these responsibilities.

The Alberta Response Model is the primary means through which the state facilitates the responsibilities of parents, families, and communities for child welfare. Under this model, "differential response" serves as a filter that reduces state responsibility for the custody of children to only "high risk" cases, while stressing the importance of maintaining parental responsibilities through the support of community services. If cases pass through this initial filter and still appear to need state intervention, the process of "concurrent planning" continues to reduce state responsibility for custody through shortened decision timelines and increased finality of decisions.[7] Moreover, it is explicit that the preferred path in this process is to preserve families and keep parents responsible for the care and custody of children. Should it be determined within the shortened timeline that parents will not or cannot maintain their responsibilities to a level in accord with the CYFEA, then workers place children permanently into new surroundings that apparently will. The first choice for suitable permanent placement is with

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[7] For a review of the Alberta Response Model, differential response, and concurrent planning, see pages 51 to 54 in the previous chapter.

extended family, then, if that is not possible, with persons previously unknown to the child. The Alberta Response Model thus attempts to activate private responsibilities and downplays the direct role of the state (a well-recognized feature of neoliberal political rationalities) (Garland, 1996).

Highlighting the custody and care of children as primarily responsibilities of parents and families is, however, not a unique development in child welfare legislation. Child welfare law has never aimed to make the state the primary custodian for children.[8] Rather, child welfare law has always sought to place the state as a secondary and temporary custodian after deeming particular families incapable. Where such determinations occur, the custody goal has been to transfer children to other familial settings through foster care or adoption (Macintyre, 1993; Swift, 1991). In this sense, the CYFEA's arrangement of responsibilities for custody does not mark a drastic shift. Additionally, the emphasis on preserving families had existed in previous child welfare legislation. In the 1985 Child Welfare Act, for instance, the principle of "least interference" sought this end. The CYFEA thus continues in the liberal tradition of relying on a bio-political technique of encouraging informal social control through families.

The overall division of responsibilities for children under the CYFEA is therefore in line with previous child welfare legislation. What is unique, however, is the rigor with which the responsibility for care and custody are placed onto parents and families, and the process, strategies, and discourses used to encourage acceptance of these responsibilities. Additionally, locating the community, and not the state, as primarily responsible for supporting families and parents in these tasks is radically different from the shared responsibility and support of (traditional) families peddled under welfarist rationalities. The CYFEA takes pains to emphasize *private* responsibilities for *all* aspects of child welfare.

II – Neoliberal strategies in the CYFEA

Having identified that the goal of the CYFEA is to activate private responsibilities in place of public ones, we can now turn to *how* the CYFEA

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[8] One could easily view the case of First Nations children and residential schools as an exception to this, but the Indian Act, and not formal child welfare legislation, enabled this practice.

attempts to facilitate parents, communities, social workers, children, and families to assume responsibility for child welfare and mitigate the direct responsibility of the state. This discussion uncovers some of the main techniques and discourses used in the CYFEA's responsibilization attempts. I weave this discussion with existing accounts on contemporary strategies of governance to display the CYFEA's connection with neoliberal strategies employed in other contexts.

Responsibilizing parents and self-governance: Neglect, the choosing entrepreneurial subject, and permanency

Like previous child welfare legislation, the CYFEA defines what it considers responsible care of children largely through an account of what parents ought not to do, or what will cause them to be the subject of investigation. The CYFEA outlines that a child requires intervention if a guardian cannot be found, neglects the child, physically, sexually, or emotionally abuses the child, or is unable or unwilling to protect a child from physical, sexual, or emotional abuse (Gov. of Alta., 2004: sec. 1(2)). The CYFEA also stresses that responsible care for children involves their financial support. Division 7 of the CYFEA outlines the "Guardian's Financial Responsibilities" and explains that if the state places a child into some form of temporary care "a director may enter into an agreement with the guardian of the child whereby the guardian agrees to pay child support" (Gov. of Alta., 2004: sec. 57.5(1)). Responsibilities for parents in the context of the CYFEA therefore equate to physically caring for children, protecting them from harm, and providing for them financially.

Again, these duties largely mirror those outlined in previous child welfare laws; what is unique is the expectation of fulfilling these duties on ones' own without material assistance from external sources. O'Malley (1996) and Rose (1996) discuss that eroding social provisions under neoliberal agendas serves as a means of transferring the responsibility for managing risks, such as unemployment and poverty, to individuals. This transfer of responsibility for risk forces the constitution of an entrepreneurial and prudential subjectivity guided by cost-benefit (market) calculations. Reformulating risk as a private responsibility is therefore a strategy of developing self-governing subjects because it necessitates

that those who wish to maintain financial security for themselves and their families become prudential and calculating persons knowledgeable about social risks and able to curb these risks through private means. This privatization of risk, of course, aligns with political goals of reduced state fiscal responsibility and expanded reliance on private markets.

The CYFEA is not only situated in the context of reduced social assistance for parents, it attempts to eliminate the previous practice where workers sometimes used child welfare budgets to help parents provide food or shelter for their families. It does this through an explicit re-emphasis on neglect. The review report states that "[n]eglect should be clarified and *reinforced* as grounds for finding a child in need of protection" (Alberta Children's Services, 2002: 12 – my emphasis). The CYFEA heeds this recommendation by formulating a definition of neglect in a separate section of the Act.[9] According to the CYFEA, neglect occurs when a guardian:

> (a) is unable or unwilling to provide the child with the necessities of life,
> (b) is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or
> (c) is unable or unwilling to provide the child with adequate care or supervision. (Gov. of Alta., 2004: section 1(2.1); Alberta Children's Services, 2002: 12)

The CYFEA thus clearly outlines that an inability to provide the necessities of life means that a case should undergo the formal Alberta Response Model where workers absolve parents of their responsibilities or refer them to community services. In either scenario, workers are not to use child welfare resources to provide material "hand-outs".

This re-emphasis on neglect alongside an erosion of social provisions that once helped parents avoid the scenarios outlined in the CYFEA's definition of neglect reinforces the neoliberal attempt to constitute self-governing subjects engaged with private markets (and not public provisions) to meet their needs. One

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[9] The 1985 Child Welfare Act contained the elements comprising the CYFEA's definition of neglect, but they were interspersed among other "matters to be considered". The CYFEA's is unique in singling out neglect and its scenarios as a separate section of focus.

either becomes the self-sufficient rational-economic subject capable of securing the necessities of life on their own, or faces living without their children and these necessities. The CYFEA, then, continues to pathologize poverty and (re)conceptualizes it as an individual failure. This is in sharp contrast to the welfarist conceptualization of poverty and neglect as systemic issues requiring shared responsibility. The CYFEA thus emphasizes that workers ought to ensure that parents are *self-sufficient* carers for their children, providing for adequate care and supervision, the necessities of life, and medical needs through their *own* means.

The community support services provided to parents in "low risk" cases also demonstrate an attempt to enforce self-sufficiency and self-governance. According to the Federal Working Group on Child and Family Services (2002), the services purchased by Regional Authorities in Alberta include:

> -counselling for the child or family;
> -family/youth worker – providing recreation, relationship building, social skills development and access to community services;
> -therapeutic support – skill teaching or behavioural modification for the child or parent, social or behavioural assessments;
> -homemaker services – child care, domestic services, teaching of home care and child care;
> -parent aide – teaching homemaking and parenting skills, conflict resolution, advocacy, therapeutic support, transportation and accompaniment to appointments; [and]
> -driver services – transportation. (148)[10]

Unsurprisingly, these services do not reflect financial assistance, but psychological counselling and skills training. These services, then, are about helping individuals adopt the prudential self-sufficient subjectivity glorified under neoliberal rationalities. As Rose (1990) documents, this ordering of subjectivities through individuals' psyches serves as a primary means of neoliberal governance made possible through the successful indoctrination of psychological discourse and conceptions of self throughout the social fabric.

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[10] This document predates the CYFEA and thus outlines the support provided under the Child Welfare Act in 2002. Nonetheless, the services outlined here mirror those offered in the CYFEA because the only additional programs offered in the CYFEA are "supports for permanency" and "transitions to adulthood". Both these are discussed at a later point in this chapter.

In an attempt to construct prudential self-governing persons, however, social workers cannot simply impose this psychological manipulation from above. To do so would undercut the neoliberal image of subjects capable of caring for themselves. Rather, individuals must appear as through they are freely choosing to undertake in these activities of change. As Rose (1990, 1996) explains, strategies of self-governance in this context must work on and through the perceived freedom of subjects depicted as their own experts and pioneers of their own life trajectories. This problem of governing autonomous persons has haunted liberal societies since their inception, but intensifies in the neoliberal glorification of prudential subjects ostensibly predisposed to care for themselves through private market participation.

The CYFEA attends to this complication of governing autonomous persons by stressing the involvement of parents in case plans. The review report declares, "It should be clear in the new Act that parents need to and should have meaningful participation in developing a child-centred plan of care, including involvement in the concurrent planning process" (Alberta Children's Services, 2002: 14). "Parents are also," according to the review report, "responsible for seeking support services when they are needed" (Alberta Children's Services, 2002: 8).

The CYFEA attempts to encourage this involvement through a number of changes in the names of services. Most court "orders" are renamed "agreements" and "support services" are re-titled "family enhancement services". The effect of these discursive changes should not be underestimated. No longer are parents involved in "low risk" cases labeled as having court-ordered support services imposed on them. Rather, the discourse used in these scenarios is that parents have entered into voluntary agreements for family enhancement services. The change in discourse attempts to remove any perception that subjects are not in control of their destinies and failing to exercise choices. Instead, the CYFEA's new language depicts these persons as voluntarily choosing to enhance their capabilities to improve their parenting. The replacement of "support" with "enhancement" in the title of the services eliminates any potential suggestion of

subjects who are dependent on the assistance of others. The change in the title of the legislation from the Child *Welfare* Act, to the Child, Youth and Family *Enhancement* Act, achieves a similar end through dissolving the connotation of dependency attached to the term "welfare". In removing the apparent stigma of being a "supported welfare dependent" by renaming the legislation and services provided, the CYFEA encourages individuals to feel free to seek out and actively engage in services to align their parenting skills with those that the CYFEA outlines as responsible and proper.

The changes in the discourse used in the CYFEA for services therefore present parents as their own experts able to ensure the security of their family and determine their life-course through educated free choices in a market that supposedly provides all necessary tools for success. Even where authorities scrutinize parents as possibly failing in their duties, they still convey parents as having the expertise to be involved in case plans and determine the correct choice of privatized professional expertise needed to aid them in self-reform (O'Malley, 1996; Rose, 1990, 1996).

The willingness to be involved in case plans and participate in self-governing behaviour towards the aims of the CYFEA, however, is not a choice for parents, but a necessity imposed through the Alberta Response Model. Examination of the idea of risk exposes this necessity. The willingness of parents to "volunteer" to partake in family enhancement services is the only thing that currently obviously guides determinations of risk.[11] The review report demonstrates this in its explanation of the Alberta Response Model. It states:

> A differential response system involves the provision of early assessment and support services to *lower risk* children and parents who are *motivated to address the issues* that threaten the safety of their child.... For those cases where the *risk to children is higher* or where the family *will not address their needs voluntarily*, there would be a child protection services investigation to determine whether or not the child needs mandatory protective services. (Alta. Children's Services, 2002: 29 – my emphasis).

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[11] The Ministry of Children's Services was only beginning to develop risk assessment models at the time the CYFEA came into force (FWGCFS, 2002). In 2007, when this research began, these risk assessment models were still undergoing revision (Alberta Children's Services, 2006).

If a parent refuses to partake in family enhancement services, then the Alberta Response Model immediately classifies them as high risk and threatens them with the possibility of losing parental responsibilities in the concurrent planning stream. There is, then, no opportunity for parents to resist engaging in their own self-governance or oppose reforming their parenting practices to the likes of the CYFEA.

The idea that one can voluntarily choose to become an entrepreneurial subject and responsible parent is central to neoliberal governance, but the structure of the consequences of choices to participate or not in child welfare services demonstrates that such "voluntary" choice is forced. One either cooperates and attempts to become the responsible enterprising parent, or receives a label of "high risk" and faces having the potential of becoming such a parent removed through the legal dissolution of parental responsibilities. The CYFEA's determination of the consequences of parents' choices thus necessarily shapes those choices. That is, through this law the state employs its responsibilities for governance "from-a-distance" (Gordon, 1991), directing the choices of the "freely" choosing subject. The construction of subjects as free and autonomous is not only an attempt to encourage self-sufficient prudential subjects, but also an attempt to continue to address the problematic of governing autonomous persons by obscuring the active role of the state.

The CYFEA implements a number of increased penalties that demonstrate the state's attempts to shape the decisions of subjects even before involvement with the child welfare system occurs. The new Act doubles the maximum penalty for any person who "willfully causes a child to be in need of intervention…to a fine of not more that $25,000 or to imprisonment for a period of not more than 24 months or both a fine and imprisonment" (Gov. of Alta., 2004: sec. 130). The CYFEA also increases the penalty for those who fail to report cases of suspected child neglect or abuse (Gov. of Alta., 2004: sec. 4), and highlights that, where possible, individuals whose children are taken into temporary state custody will be required to pay the costs of that care (Gov. of Alta., 2004: division 7). Although forms of these penalties existed in earlier legislation, the PCs' defense

of these increased penalties as holding "parents and guardians accountable" (Jablonski, *Alberta Hansard,* March 17, 2004) demonstrates that the aim of these changes is to re-emphasize parental responsibility and influence parents to choose to accept the responsibilities outlined in the CYFEA.

Abdicating oneself of parental responsibilities is, then, the limit of one's ability to choose under the CYFEA. This is further evidenced in the fact that CYFEA eliminates a section of the 1985 Child Welfare Act that permitted removal of a child on the grounds that "the condition or behaviour of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs" (Gov. of Alta., 1985: sec 1(2)(i)). According to Cenaiko,

> This repeal is being done because the grounds for intervention on this basis have been inappropriately used by parents to relinquish responsibility for their children in situations where there is parent/teen conflict. The approach is not consistent with the fundamental philosophy underlying the act that parents and families are responsible and accountable for their children. (*Alberta Hansard,* May 7, 2003).

The changes not only bolster the responsibilization of parents, they dissolve any ability of parents to seek relief from their duties. Being active in determining one's life trajectory, a touchstone element of neoliberal rationality, therefore does not include any ability for parents to choose to request absolution from their parental responsibilities. Freedom to choose one's life-course and encouragement to seek help in doing so are not concepts that allow a free rein to individual lifestyles. Rather, they are concepts used to encourage parents to actively order their own lives in accord with the aims of the CYFEA.

Finally, the reliance on permanency as in the "best interests" of the child is not only a useful discursive framework for debating the CYFEA's changes, but also serves as a strategy to encourage parents to take the responsibilities outlined in the CYFEA seriously. In broadcasting the importance of maintaining permanent bonds for a child's well-being, the CYFEA and the PCs are calling upon parents to claim parental responsibilities for the child unless they wish the child to suffer abnormal development. The highlighting of the damages done to

children's development when moved into unfamiliar (here read strictly as un-familial) surroundings, then, is a means of guilting parents to accept responsibilities for providing for and protecting their children.[12]

Pathologization and transfer of parental responsibilities: Multiple modes of power in neoliberal child welfare

Self-governance and its corresponding governmental forms of power, however, are not the only strategies and modes of power employed under the CYFEA to responsibilize private actors. In cases where parents refuse to "choose" the path of self-governance and realign their parenting with the principles of the CYFEA, the law continues to rely on a sovereign expression of power that will absolve parental duties of an actor and transfer them to someone else. When individuals fail to self-reform, the CYFEA pathologizes them as making poor choices and being the cause of problems. This is apparent in the CYFEA's declaration that the counselling and skills training services provided to families can "remedy or alleviate the condition that caused the child to be in need of intervention" (Gov. of Alta., 2004: sec 2(j)) and ought to "prevent the need for any other intervention under this Act" (Gov. of Alta., 2004: sec. 2(h)). There is no suggestion in the services provided under the CYFEA that larger social factors might require engagement in order to resolve the issues situating persons in the child welfare system. The CYFEA depicts the belief that the problems for child welfare inhere solely in the parents responsible for protecting and caring for children. Accordingly, the solution for persons who cannot, or "choose" not to, reform themselves is to punish them and absolve their parental status. Parents cannot actively absolve these duties, but the state can interpret their inability or unwillingness to reform as their passive "choice" to be relieved of their duties through sovereign decree. In these cases, the courts give persons who can self-govern their parenting abilities in accord with the CYFEA responsibility for the child. Neoliberal governance in child welfare, as embodied in the CYFEA, then, does not rely strictly on governmental modes of power, but on a complex assemblage of sovereign, disciplinary, and governmental power, in order to

[12] For a similar discussion of this point in the context of divorce see Smart and Neale (1999).

encourage and ensure self-governance.[13] The overall reordering of child welfare under the CYFEA, however, displays that the use of sovereign state power to absolve responsibilities is the less preferred option.

Responsibilizing and governing community actors: Nature and micro-management

The CYFEA does not only try to responsibilize parents and govern their actions from a distance, it also casts similar strategies upon the private community, understood as the providers of support services. As noted above, the Alberta Response Model affords private agencies in communities the responsibility of providing support services under contract with other community entities (the Regional Authorities). The review report demonstrates this reliance on community services clearly: "In order for a differential response system to be effective, community-based services and child welfare must work as partners" (Alberta Children's Services, 2002: 29). These responsibilities are again encouraged, as they were in the initial regionalization of services discussed in the introduction (Kline, 1997), through a discourse that suggests that community services are more natural and efficient than the cumbersome bureaucratic services of the state. For example, the review report states that a community service approach "provides *more accessible* and *natural* supports for children and their families. Families receive *more appropriate* services in a timely manner through strong community-based networks" (Alberta Children's Services, 2002: 29 – my emphasis).

Nevertheless, despite discussing their "natural" propensity to provide services in order to encourage their acceptance of these responsibilities, the CYFEA implements increased measures to regulate these community agencies. The PCs present these measures as strides toward "increased accountability for services being delivered to children and families" (Cenaiko, *Alberta Hansard*, March 4, 2003). The review report explains that the new legislation will attend to this increased accountability through increasing the oversight the Minister has

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[13] See Hannah-Moffat (2000) for a similar point in relation to neoliberal social control of women in penal policy. For a discussion of the triangle of sovereignty-discipline-governmentality see Foucault's (1991) "Governmentality" essay.

upon the directors and Regional Authorities responsible for contracting services. It reads:

> The Minister should be given a stronger mandate that includes the ability to:
> -monitor and assess directors of child welfare in carrying out their duties and responsibilities;
> -require directors of child welfare to implement measures specified by the Minister for the purpose of improving quality of service; and
> -require the Child and Family Service Authority or First Nations agency to which the director reports, to take remedial action as directed by the Minister where there is evidence of non-compliance with the Act, policies and standards. (Alberta Children's Services, 2002: 23)

Although the Regional Authorities and First Nations agencies continue to have the final decision-making powers regarding the contracts to provide services for clients, the CYFEA emphasizes that these services must be in accord with the mandate issued by Children's Services. The CYFEA increases the accountability of the regional authorities to the Minister and thereby increases the ability of the state to govern these organizations from a distance through the techniques of budgetary restrains, audit procedures, and restrictions on the services provided (Parton, 1999; O'Malley, 1996; Rose, 1996).

Responsibilization and/of social workers: Risk, case management, and "psy" agents

The Alberta Response Model's reconfiguration of child welfare work around conceptions of risk is also a form of responsibilizing child welfare workers and indoctrinating them with mentalities of cost-benefit calculation. Under the Alberta Response Model, the objective is no longer to eliminate the causes of child welfare problems, as was the optimistic view of professionals under the welfarist rationality. Rather, neoliberal rationality views such optimism as an inefficient use of resources and a tax burden. This political rationality sees the management of levels and distribution of child welfare problems as more plausible and a more efficient use of resources. The notion of risk serves as the primary construct through which this efficiency is achieved (Parton, 1998, 1999).

As discussed above, the Alberta Response Model's formulation of risk attempts to encourage parents to engage in their own self-governance. This notion

of risk, however, also reflects the neoliberal art of government back onto the privatized child welfare system. In the face of reduced resources for social welfare, which in turn increase the likelihood of individuals being involved with the child welfare system (thus exacerbating the problem), the most efficient way to sort cases and direct funds has been conceptualized through the notion of risk. Risk serves as calculation of the costs and benefits of providing services and thus forces the indoctrination of prudential attitudes among child welfare workers. Calculating risk acts as a sorting procedure for workers and a means of directing scarce state resources. Only high-risk cases receive the full tutelage of the child welfare system because this is allegedly where resources are most needed. Additionally, risk serves as a means to manage the potential negative consequences of child welfare work. Those cases that are less likely to produce negative consequences and publicity if not given state resources are separated from those cases that are likely to lead to negative consequences for children and potentially become sources of criticism for child welfare departments (Parton, 1991, 1998, 1999).

The Alberta Response Model's focus on risk transforms the responsibilities of child welfare workers into case management. Child welfare workers no longer handle the investigation of a case, determine the treatment needed, and provide the treatment. Rather, child welfare workers now simply determine levels of risk (willingness to self-govern) and direct cases to community services or legal proceedings based on these assessments (Castle, 1991; Parton, 1991). No longer is one social worker responsible for all details of a case from start to finish. For a model of practice based on the idea that permanency, defined as stability and continuity of care, is in the "best interests" of children's development, the removal of the care of cases from one continuous worker is seemingly a refusal to see child welfare work as implicated in this alleged paramount component of children's development.

In contrast to this duty of case management, social workers who provide "family enhancement services" in the privatized community are charged with indoctrinating parents with habits of self-governance. Neoliberal schemes shift the

tasks of many social workers from the determination of qualification for material benefits under welfarist programs, toward acting as the interpreters of individuals' confessed problems. Upon interpreting the underlying personal problem, social workers increasingly take on clinical roles and offer sources of self-help and counselling toward self-management of the underlying personal issue (Chambon, 1999; Epstein, 1999; Parton, 1991; Rose, 1996). The role of social workers and child welfare workers under neoliberal projects is to help individuals help themselves. In other words, the Alberta Response Model responsibilizes social workers in the network of child welfare to take on the task of responsibilizing parents.

Responsibilizing children: Youth, "transitions to adulthood", and involvement in cases

The CYFEA also uses the child welfare process as an opportunity to responsibilize children and encourage them to develop propensities toward self-governance. The construction of children as a stage of dependence and vulnerability requiring adult guidance and protection has been a primary means of governing parents' lives (Donzelot, 1979; Rose, 1990). For the most part, the CYFEA and debates construct children in accordance with an image of dependency and vulnerability. This image transcends party divisions and is obvious in the following examples:

> It [the CYFEA] will also strengthen the way Alberta Children's Services is able to support *our most precious and vulnerable citizens.* (Cenaiko, *Alberta Hansard,* March 10, 2003 – my emphasis)

> It [the review report] certainly indicates the great concern that all of us in this Assembly have for the children of this province, *particularly those children, the most vulnerable members of our society*, who for whatever reasons have had the need for some type of intervention in their living standards. (Massey, *Alberta Hansard,* April 7, 2003 – my emphasis)

This construction of dependent persons, however, poses challenges to neoliberal conceptions of subjects as autonomous and self-sufficient.

The CYFEA's focus on "youth", signified in part by the inclusion of this category in the title of the legislation, is a means of addressing this tension

between dependent children and self-sufficient subjects. The CYFEA defines a youth as "a child who is 16 years of age or older" (Gov. of Alta., 2004: sec 1(1)(z)(cc)). In contrast to the dependency of children, the CYFEA and debates depict the category of "youth" as potentially independent and necessarily active in decision-making.[14] One of the two new programs implemented through the CYFEA, informally called "transitions to adulthood", attends to promoting the independence of youth.[15] Under this new program, child welfare workers dealing with individuals over 16 for whom a new placement is an option are to outline "a plan of care…that addresses the youth's need for preparation for the *transition to independence and adulthood*" (Gov. of Alta., 2004: sec 57.2(3)(b) – my emphasis). This plan includes outlining the needed "additional supports such as life skills training, employment skills or career counselling" that will allow a youth to live independently (Alberta Children's Services, 2002: 22). These new services, according to Cenaiko, "acknowledge the *emerging independence of youth* and *provide youth with an enhanced role in determining the services that they require*" (Cenaiko, *Alberta Hansard,* April 29, 2003 – my emphasis). The CYFEA and the program of "transitions to adulthood" therefore serve to differentiate youth from the category of dependent childhood by constructing them as being semi-autonomous and potentially independent subjects who become adults when they achieve full self-sufficiency. The services provided to youth and their discursive construction as semi-autonomous encourages them to engage in their own self-governance, echoing the strategies of responsibilization applied to parents. Hence, if the Alberta Response Model fails to responsibilize parents, it turns to the responsibilization of children if they are over 16 years of age.

In an extension of this neoliberal emphasis on independence and self-governance, the CYFEA also contains the beginnings of a mutation in the amount of responsibility and involvement accorded to those still formally classified as

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[14] Massey's use of the term "youngsters" in the debates, however, continues to reflect vulnerability and dependency.

[15] In the legislation these provisions are not given this name but are simply considered family enhancement agreements with youth (Gov. of Alta., 2004: sec 57.2(3)(b)). In the review report and legislative debates, however, this program is referred to as "transitions to adulthood".

children (i.e., less than 16 years of age). The CYFEA mandates the involvement of children over 12 in the development of case plans and decision-making processes (Gov. of Alta., 2004). This involvement, however, potentially extends to all children. The "matters to be considered" state that "a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered" (Gov. of Alta., 2004: sec. 2(d)). The emphasized involvement of children, just as in the case of parents, reflects an attempt to have individuals feel as though they are choosing their life-course and are their own experts. Simply, it involves these children in their own self-governance.[16]

Responsibilizing new families and other family members through sovereign transfer: Permanency and glorification

The failure of parents to govern themselves in line with the expectations of parenting outlined in the CYFEA also initiate attempts to responsibilize other family members aside from children. The mandate of the Alberta Response Model to consider "the benefits to the child of a placement within the child's extended family" (Gov. of Alta., 2004: sec 2(i)(i)) demonstrates a push to responsibilize family members who might not be seen as legal parents. This is a unique twist in the treatment of the category of extended family from the 1985 Child Welfare Act, which, according to Kline (1997), saw extended family members only as contributing to the problems faced by families involved in child welfare and not as potential sources of help. Now, the CYFEA lists extended families as possible locations to permanently place a child instead of in the care of the state.

These responsibilities are encouraged, as they were in the case of responsibilizing parents, through the notion of permanency as in the "best interests" of the child. Emphasizing "the importance of stable, permanent and nurturing relationships for the child" (Gov. of Alta., 2004: sec. 2(b)) serves as a means of guilting all persons known to the child to adopt parental responsibilities

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[16] See Smandych's (2000) review of approaches to youth crime for a similar conclusion about attempts to collapse the category of childhood into the category of responsible adulthood in contemporary penal policy.

if called upon to do so. Developmental science suggests that not accepting these responsibilities is an immediate hardship on the child who will have to try to form new bonds. Additionally, where transfer of these responsibilities occurs, permanency functions to stress the importance of maintaining these responsibilities and not requiring later state intervention.

The CYFEA's second of two new programs, "supports for permanency", helps encourage persons without legal status as parents to adopt children and the corresponding parental responsibilities. This is the only new provision in the CYFEA that allocates material assistance for adults. This assistance, however, is preferably temporary and determined by a means test. Moreover, demonstrating the state's focus on financial cost-benefit analysis as the primary consideration, the regulations of the CYFEA stipulate that the amount given is not to exceed the basic maintenance rate that the state would pay for a child in foster care. The CYFEA does not create similar new programs of material support for persons who already had legal custody of the child prior to intervention. Rather, these programs are to provide aid and encouragement to persons "who choose to take on this important responsibility" (Cenaiko, *Alberta Hansard,* May 7, 2003) when previous parents are deemed irresponsible. This "generosity" is defended as assisting "these [new] families in the commitment they have made to give a child or children permanency and stability" (Alberta Children's Services, 2002: 15).

Finally, the glorification of family continues to serve as a strategy to encourage persons to adopt private responsibilities through seeking familial status. The CYFEA and debates present families as goods in and of themselves and necessary for the full development of any human being. The CYFEA leads off its "matters to be considered" with the statement that "the family is the basic unit of society and its well-being should be supported and preserved" (Gov. of Alta., 2004: sec 2(a)). It further states that "every child should have an opportunity to be a wanted and valued member of a family" (Gov. of Alta., 2004: sec. 2(e)). The review report similarly highlights "the importance of a positive relationship with a parent and family" in making decisions about adoption placements for children (Alberta Children's Services, 2002: 16). The CYFEA thus

continues to exalt the positive virtues of families and their central role in society, echoing the 1980s rhetoric of "family values", in order to enforce private responsibilities in place of public ones.

Exactly what relations ought to comprise a family is the topic of the following chapter. For now, suffice it to say, that appealing to "family" serves to encourage individuals to accept the responsibilities for children outlined in the CYFEA; this appeal applies to current parents, but is also aimed to persons not legally recognized as parents but potentially willing to be.

Conclusion

The above discussion shows that a neoliberal rationality penetrates the CYFEA, marking more of the same rationality that, as we saw in the previous chapter, child welfare watchdogs singled out as the cause of poor conditions within Alberta's child welfare system. The CYFEA reconfigures the responsibilities for child welfare further along neoliberal lines that emphasize the role of private actors. This division of responsibility imposes itself through a new arrangement of discourses that emphasize self-governance and prudentialism. Discourses of permanency, risk, independence, and choice play a central part in these neoliberal strategies of governance. Where the responsibilization of parents fails, however, the CYFEA continues to rely on a sovereign power that will absolve parental responsibilities and transfer them onto persons capable of regulating their parenting practices to its aims.

The neoliberal division of powers in the CYFEA constructs the problems of, and solutions to, child welfare as inhering strictly in parents, families, and communities. In so doing, it effectively absolves the state of responsibility for child welfare and the potential failures that might result from these provisions (Kline, 1997). If things go wrong and families' living conditions do not improve through community counselling services, resulting in harm to children, the state can use this division of responsibilities to argue that it was the community agents or the parents themselves who failed. As such, child welfare can continue to rely on the transfer of responsibilities to different community providers and new families that it predicts can better fulfill the duties outlined. What relations the

CYFEA thinks ought to comprise a family, however, remains a central unaddressed question. I engage with this question in the following chapter.

Chapter Four

"Family" in the CYFEA: The (Necessary and Dangerous) Ambiguous Discussion of Family Structure

Introduction

> Neoliberalism is "not wedded to any particular family form."
> -Brenda Cossman, (2002: 182).

> "In this province, my feeling is the majority – and I don't know what the percentage of that majority is – but the majority of people are opposed to same-sex marriage. And I represent the people of this province."
> -Ralph Klein, quoted in Brian Cotter, *Kingston Whig*, Dec. 11, 2004: 15.

This chapter documents how the CYFEA and its surrounding legislative debates present the topic of "family" amidst the paradoxical context displayed in the above two quotations. On the one hand, neoliberal rationalities, which the previous chapter demonstrated envelop the CYFEA, take increasing private responsibilities as their aim. According to Cossman (2002), neoliberal projects are therefore willing to extend the boundaries of who constitutes a family where ascription of the responsibilities accompanying familial status will fall onto private actors and not public institutions. On the other hand, the second quote demonstrates that, immediately following the implementation of the CYFEA, the Alberta Government continued to protect a narrow view of the traditional family when it came to conferring legal marital status (Harder, 2003, 2007). Given this convoluted scenario, the driving question of this chapter is consequently: How do the CYFEA and debates present the notion of "family"?

In addressing this question, I present a multifaceted argument. I argue that the CYFEA attempts to constitute families as the responsible autonomous entities familiar to neoliberal modes of governance (Rose, 1990), yet there is an overall avoidance and ambiguity surrounding *who* ought to comprise the relations of such a family. Within this ambiguity is a *possible* expansion of the relations that might comprise a family. This opaque treatment of the relations that comprise a family is, I argue, a product of the complex and contested socio-political context in which the discussions of the CYFEA occur and a necessary approach in order for

the CYFEA to materialize. I then caution that the open-endedness surrounding depictions of who comprises a family is not a progressive politics envisioned by authors like Stacey (1992), but remains an exclusionary neoliberal practice that continues to off-load public responsibilities and is likely to continue to place marginalized groupings at the centre of child welfare investigations.

These arguments unfold in four parts. First, I reinforce that the CYFEA is about constituting families that are self-sufficiently responsible for the care of children. In so doing, I make explicit the result of the neoliberal strategies implemented through the Alberta Response Model and discussed in the previous chapter. Second, I display the ambiguity and lack of discussion concerning who is to comprise a family in the CYFEA and legislative debates. I note that hidden within this ambiguity there is a possible attempt to expand conceptualizations of family where the transfer of parental responsibilities is concerned. Third, I argue that this unique presentation of family structure reflects the complex socio-political context of Alberta and forms a contingent "condition of possibility" for the passing of the CYFEA and its neoliberal mandate. To bolster this claim, I contrast this ambiguous discussion with an earlier attempted reform of child welfare. Fourth, I discuss the limits to the apparent open-endedness of the idea of "family" in the CYFEA and highlight some of the dangerous implications of this presentation of "family". In this section, I speculate on how the CYFEA is likely to intersect with the categories of race and gender.

I – The enforcement of the responsible autonomous family: What is family in the CYFEA?

In the previous chapter, I demonstrated that the strategies and modes of power used in the CYFEA serve to responsibilize private actors, particularly parents. When parents cannot fall in line with this objective, sovereign power transfers familial status and parental responsibilities to new sets of relations. This responsibilization of new families, I previously argued, is encouraged through the "supports for permanency" program and relies on claims about permanency and the importance of families to the well-being of society and children. I left unattended, however, what sort of family the CYFEA attempts to construct. In

this chapter, I attend to this topic through an exposition of how the CYFEA and debates employ the notion of "family" and its related kinship terms.

Despite claims about the importance of preserving families – embodied in the CYFEA in directives like "a child should be removed from the child's family only when other less disruptive means are not sufficient to protect…the child" (Gov. of Alta., 2004: sec 2(e)(ii)) – the dissolution of certain families suggests that the CYFEA's purpose is actually to preserve and support only *particular* families. It dissolves those that do not accord with its image, while constituting ones it hopes will. The ideal image of family in the CYFEA can therefore be located in discussions about the groupings that the child welfare system attempts to preserve or create.

Cenaiko asserted in the debates that the CYFEA ensures that those being conferred with private guardianship status "are capable of providing proper care" to children (*Alberta Hansard,* May 7, 2003). As I discussed in the previous chapter, proper care means avoiding the scenarios outlined as cause for intervention and therefore includes being able to protect children and self-sufficiently provide them with medical care, adequate supervision, and the necessities of life. Moreover, discussions of families that the CYFEA seeks to preserve or create display these families as permanent havens of love, safety, and support that nurture children. Massey demonstrated this when he suggested that the principle of permanency recognizes "that children deserve a safe, stable home where they are nurtured by healthy families" (*Alberta Hansard,* April 2, 2003). Liberal MLA Mr. Bonner's description of a family that went through an adoption also displayed those groupings created through the CYFEA to be havens of love, safety, and nurturance.

> When she finally indicated that they could adopt the child, everyone broke down and cried. The worker informed them that this was certainly part of the process and part of what she had to do in order that the child was going to be going into a *loving* environment, a *safe* environment, an environment that would *nurture* this child and help it develop as all of us would hope. (*Alberta Hansard,* April 7, 2003 – my emphasis)

The ideal image of family presented in the CYFEA therefore coincides with the idea of the "responsible autonomous" family discussed by Rose (1990), peppered with statements about the importance of permanent, loving, stable, protective, and nurturing bonds. Ideal families, then, unsurprisingly echo the characteristics central to neoliberal responsibilization strategies: they are *permanent* and accept their *responsibilities* for *independently* socializing children into the persons desired by political aims (or as Mr. Bonner stated above, nurturing and developing children "as all of us would hope"). The trumpeted support and preservation of families, then, is a conditional support and preservation for those who can independently take on the responsibilities of nurturing, caring, loving, and financially maintaining children.

This ideal image of families does not depict these units as embedded in larger socio-political contexts. This is quite different from the presentation of "family" suggested in the earlier reports that investigated child welfare caseload increases. These reports discussed families as situated in socio-political milieus that made them *and* their children vulnerable. For instance, Kinjerski and Herbert (2000) wrote: "Whether the rate of growth can or should be slowed, it is important to understand the source of that growth, to ensure that whatever policy or practice modifications are made, the system remains relevant and responsive to the needs of *vulnerable children and families"* (2000: 5 – my emphasis). The earlier voices critical of neoliberal strategies saw this vulnerability, and not independence, as the primary reason to preserve and support families. The CYFEA, on the other hand, sees the independence of families as the central feature that the child welfare system ought to support, create, and preserve, paradoxically through its (disguised) intervention.

The image of family promoted and enforced by the CYFEA is thus an image of the responsible, autonomous, permanent family happily and easily carrying out its duties of ensuring the well-being and financial upkeep of its children. It is an image that supports neoliberal agendas by depicting family members as permanently caring for one another through prudential actions. Furthermore, this image of the qualities of families is not in outright conflict with

neoconservative tendencies of protecting the traditional family. In fact, the ideology of the "the family" and rhetoric of "family values" used to promote the traditional family unquestioningly link these characteristics to the heterosexual, nuclear, biologically related, breadwinner family form (Thorne, 1992). Neoliberal and neoconservative ideas of the family therefore coalesce around images of *what* families ought to be.

II – Ambiguous and potentially expanded familial relations: Who is a family in the CYFEA?

Exactly *who* is to carry out these responsibilities for children through stable, nurturing, and unconditionally loving relationships is, however, far less clear. The CYFEA offers no definition of the relations that comprise a family or what social workers ought to look for when constructing families anew. In fact, for a law about "enhancing families", the use of the term "family" is shockingly sparse and concentrated in the "matters to be considered". In a text of some 35,000 words, the CYFEA uses the term "family" only 33 times when not referencing the title of a service, 20 of which occur in the "matters to be considered". All that one can determine from this section about who comprises a family is that they include children. This is obvious in the statement that "a child should be removed from the *child's family* only when other less disruptive means are not sufficient to protect the survival, security, or development of the child" (Gov. of Alta., 2004: sec. 2(e)(ii) – my emphasis). It is also apparent in the claim that "the *family* is responsible for the care, supervision, and maintenance of *its children* and every *child* should have an opportunity to be a wanted and valued *member of a family*" (Gov. of Alta., 2004: sec. 2(e) – my emphasis). Both of these statements clearly demonstrate that children possess families and families possess children.

The remainder of the text of the CYFEA and debates make it apparent that families also contain parents/guardians responsible for those children. The directives in the CYFEA position parents/guardians as the persons the law is to evaluate the behaviour of and place as culpable for child maltreatment. For instance, the section covering the grounds for intervention states that interventions

are required when: "the child is neglected by the *guardian*", or is "physically injured or sexually abused by the *guardian* of the child", or "the *guardian* of the child is unable or unwilling to protect the child" (Gov. of Alta., 2004: sec 1(2) – my emphasis). That parents and children are members of families is also evident in the mandate that all adoption placements consider "the importance of a positive relationship with a *parent*, and a secure place as a *member of a family*, in the *child's* development" (Gov. of Alta., 2004: sec. 58.1(a) – my emphasis).

There are a number of statements in the debates and the CYFEA, however, that suggest that families might include persons in addition to children and parents. For example, Ms. Debby Carlson (Liberal MLA) commented that the CYFEA "promotes the concept that the child is an active subject of rights but also the importance of *parents and family*" (*Alberta Hansard,* April 2, 2003). Similarly, Mr. Bonner again highlighted the need to consider "the importance of a positive relationship with a *parent and family*" in child welfare decisions (*Alberta Hansard,* April 7, 2003). In separating parents *and* family, these comments display that the two ideas are not necessarily collapsible; family is not reducible to the parent-child relation in all contexts. The CYFEA's instruction that workers who remove a child from a household must "consult with the guardian *and other family members* to develop a plan" (Gov. of Alta., 2004: sec. 21.1(6) – my emphasis) to return the child also suggests that parents (guardians) and children are not necessarily the only members of families. Additionally, many statements about "family" in the CYFEA and debates simply do not specify who comprises these entities. For instance, the bold declaration that "[t]he family is the basic unit of society" (Gov. of Alta., 2004: sec. 2(a)) leaves the persons who might compose this unit entirely unclear. At no point in the debates or the CYFEA are the kinship relations that might or ought to comprise a family clearly outlined.

To add to this ambiguity, where transfer of parental status is a possibility, who might compose a family breaks past even these unspecified boundaries. As discussed in chapter two, the CYFEA mandates that workers in the concurrent planning phase of the Alberta Response Model consider "the benefits to the child of a placement within the child's *extended family*" (Gov. of Alta., 2004: sec 2(i)(i)

– my emphasis). The persons considered "extended family" are unspecified in either the Act or the debates. Seemingly, formulations of family contain some bounded, although unspecified, group of individuals (the "non-extended family") to which "extended family" are external yet connected. Setting this confusion aside, the crucial point to consider is that the CYFEA mandates consideration of relations beyond those of the parent-child dyad as potentially appropriate places to raise children when workers have deemed previous surroundings irresponsible.

In private adoptions, another scenario where parental responsibilities are being transferred, there is also a potentially expanded conception of family. As Mr. Bonner explained, the CYFEA allows all private adoptions "to go through the relative/step-parent adoption placement without involving a licensed agency or requiring a home assessment" (*Alberta Hansard,* April 7, 2003). As Cenaiko further described, this process allows "the birth parent to place her child with someone with whom she has a close relationship or with a relative" (*Alberta Hansard,* April 19, 2003). This ability for a person to place a child with any "close relationship" and without a social worker's assessment extends the possibility of granting persons of same-sex sexual orientation parental rights. Whereas under the earlier step-parent adoption provisions, one of the same-sex members had to be a biological parent of the child, now this provision allows a person going through a private adoption to choose to give their child to a same-sex couple.[17] How this extension of private adoptions developed in spite of a context where the PCs were rigidly defending the definition of marriage and as a heterosexual coupling is a puzzling question. I address this in the following section of this chapter.

Within the CYFEA or the debates there is little explicit engagement with the relations that comprise a family and the implicit claims made provide little clarity. It is apparent that children are part of families, as are parents who are responsible for them, but what specific configuration of parent(s)-child(ren) is not specified. Additionally, there is a possibility in many of the statements that

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[17] How this extension affected agency or public adoptions is not immediately clear. However, in October of 2006 Children's Services granted the first same-sex couple in Alberta an adoption of a child formerly in state-subsidized foster care (Sinclair, Nov. 1, 2005; Sadava, Feb. 19, 2007).

families contain other persons. Overall the unspecified configuration of persons that a child's family is said to contain are ideally kept together under the Alberta Response Model. In cases where child welfare workers deem that this is not in the "best interests of the child" – that is, where workers declare familial settings irreparably irresponsible – the CYFEA directs them to place the child in the even less specified care of "extended family". My point here is not to be alarmist about the lack of clarity surrounding the practices of child welfare. Rather, I simply aim to demonstrate this ambiguity. Additionally, I argue that within this ambiguity there is *seemingly* a greater willingness in the CYFEA to consider diverse relations as appropriate locations for raising children. This is in sharp contrast to the explicit promotion of the white heterosexual nuclear breadwinner form that has been repeatedly marked as the ideal and morally appropriate site for child rearing in past Canadian child welfare strategies. It is also in sharp contrast to the PCs' concurrent declarations of protecting the traditional definition of family. As such, this potential expansion of *who* can comprise a family is in deep conflict with the government's socially conservative tendencies.

III – Lack of discussion of family structure as "condition of possibility" for the CYFEA

The conflict that this potentially expanded image of family has with socially conservative images of the traditional family is, I argue, part of the reason for the obscure and ambiguous presentation, or, perhaps more appropriately, avoidance, of family structure in the legislature. That is, avoiding an explicit discussion of who ought to comprise a family allows the CYFEA and its underlying neoliberal mandate to pass in the legislature in spite of a government torn between its fiscal and social conservatism, and a province where familial configurations are diverse yet familial status is disputed.

Opaque presentation allows neoconservative interpretations alongside potential neoliberal expansion

Specifically, the ambiguity surrounding family structure presents itself with a multiplicity of interpretations and thereby allows some MLAs to read into the CYFEA the protection and glorification of neoconservative images of family.

For instance, it could be argued that the emphasis on permanency and continuity of care support a narrow image of the biological family. These concepts stress the "continuity of care and relationships" (Gov. of Alta., 2004: sec. 2(h)(iv)) and therefore contend that relations should be as long as possible for children to develop properly. As such, one could see these concepts as suggesting that (barring new reproductive technologies) the original biological relations that children are born into are best because they are potentially the longest in duration.

Similarly, the CYFEA's treatment of adoptions continues to permit interpretations that declare the primacy of the biological family, despite the possible expansion of familial status achieved through its extension of direct adoption processes. The CYFEA accomplishes this through new provisions regarding adoption records that mandate all future adoptions must be open record so that individuals might later establish contacts. MLAs, such as Evans (Children's Services Minister), said that the establishment of contacts with birth family members was necessary so that adopted individuals can gain important "medical information" (*Alberta Hansard,* May 7, 2003). However, when the process for opening adoption records began, MLAs also argued that contact was necessary for persons to establish a full sense of identity. This alleged importance of connection with one's biological family to self-fulfillment is apparent in Mr. Severtson's (PC MLA) comments when he first proposed opening adoption records in Alberta.

> Mr. Speaker, our society is constantly changing, and so is the concept of what makes a person complete. *We are finding that many people need a sense of where they came from and what their birth families are like in order for them to feel truly complete*. It must be very difficult for them to form a complete image of themselves when your entire family history is a mystery to you. Psychologists and sociologists tell us that the inability to form a complete identity can make it very difficult for people to cope with everyday pressures of life. I feel and many others feel as well that the benefits of clearing up these mysteries and letting people know themselves would far outweigh the negative results. I have heard and read stories of many people who have been involved in reunions that turned out badly. In every case they said that they were still glad they went ahead and met their birth families because they needed to know the truth in order to go on living. In conclusion, Mr. Speaker, I think it's time that this knowledge

> was reflected in the laws of this province. (*Alberta Hansard*, Oct. 27, 1993 – my emphasis)

Although current MLAs preferred to frame the issue of adoption records as one of rights to medical knowledge and did not directly discuss the importance of biological relations to self-identity in the debates of the CYFEA, the CYFEA's provisions extend well beyond giving adoptees medical information. The provisions in fact release contact information of birth relatives without any opportunity for parties concerned to place a veto. In so doing, they continue to suggest the over-riding importance of the biological family. Additionally, although MLAs themselves are not as forthcoming about the importance of the biological family to self-identity, some make a point of conveying the views of citizens who argue for the right of birth members "to access each others *identifying* information" (Ms. Carlson (Liberal MLA), *Alberta Hansard,* April 29, 2003 – my emphasis). These views of citizens, which MLAs felt necessary to convey, do not only express the importance of knowing medical information, but of releasing (despite the possible unwillingness of a party concerned) identifying information in order to establish contacts.

Thus in both the private adoptions process and the Alberta Response Model, MLAs who held socially conservative notions of family could read into the multiplicity and ambiguity of statements surrounding families the protection of the traditional family form. This reading enables the CYFEA to pass despite that the overall processes implemented are suggestive of a greater willingness to extend familial status in order to meet neoliberal goals of increasing private responsibilities and decreasing public ones.

A brief contrasting example of an earlier failed attempt to reform the Child Welfare Act will serve to highlight that a lack of explicit engagement with a singular image of family structure is unique and likely played a role in allowing the CYFEA to pass in the legislature. In 1994, the Liberal party proposed amendments to the 1985 Child Welfare Act that contained many of the measures found in the CYFEA. Based on a report of the Children's Advocate, the Liberals argued that child welfare workers were using the principle of "least interference"

to avoid providing services instead of determining which services to provide to children in ways that were least interfering on their development. As such, the Liberals sought to implement new legislation that would specify the meaning of "least interference". The Liberals also claimed that the legislation should put a greater emphasis on parental responsibility, preventative services for children who were "at risk", and securing permanency and stability for children. All of these themes are, of course, dominant features of the CYFEA. The definition of who was family was, however, much more explicit in the presentation of this Bill. Ms. Hanson, who introduced the Bill, stated in second reading:

> The explicit and implicit intent of a [child welfare] system is to provide a comprehensive, coordinated and effective continuum of services and care with the following goals: …
> To secure permanent alternate placements, preferably in a context of stable, affectionate family relationships, for children who require removal from, and who cannot be safely reunited with their *biological families*. (*Alberta Hansard*, March 29, 1994 – my emphasis)

The explicit presentation of families involved with child welfare as the biological families of the neoconservative image led to this Bill receiving heavy resistance in defence of these groupings, despite the fact that it contained many of the themes currently found in the CYFEA. The following statements demonstrate this defense of "the family" from what was perceived as increased and unwarranted state intervention upon the autonomy of these units:

> In my opinion, Bill 208 is inconsistent with the spirit of other legislation which protects children and promotes the family unit. It's for that reason that I cannot support the Bill. (Mr. Herard (PC MLA), *Alberta Hansard*, March, 30 1994)

> Today the Member for Edmonton-Highlands-Beverly has chosen to address this issue by reinventing the wheel: an attempt to change legislation, which in many respects could best be described as becoming even more intrusive. The very amendments proposed in this Bill threaten to break up the family unit and go against the province's policy of less intrusion into families. (Mr. Brassard (PC MLA), *Alberta Hansard*, March 30, 1994)

The fact that the PCs were defending the traditional family from these intrusions is best evidenced in the conflation of Albertan families with the "American family" – a synonym for the traditional nuclear breadwinner family – in the excerpt below.

> It is therefore apparent that it is the desire of this government as well as Albertans to preserve that autonomy of *American families*. Bill 208 would seriously jeopardize this autonomy, which Albertans have come to appreciate. (Mrs. Laing (PC MLA), *Alberta Hansard*, March 30, 1994 – my emphasis)

This contrasting example serves to show that a direct engagement with who ought to comprise a family in the CYFEA would have likely led to similar resistances and the CYFEA, along with its neoliberal reorganization of child welfare practice, never coming into force. The ambiguous presentation of who comprises a family, then, reflects the contested political context over this issue in Alberta. In other words, there was no explicit discussion about who is family in the CYFEA and debates because it was to be left unspoken so as to avoid bringing to the surface this hotly contested issue. Unlike claims that a lack of explicit engagement with who is family represents a tacit homogenous unitary vision of family among politicians (e.g., Gavigan, 1988), the ambiguity surrounding family in the CYFEA instead allows a plurality of ideas about the family structure to exist without bringing to light that many of these ideas do not coincide. The uncertainty and open-endedness surrounding who is to belong to families allows politicians to align the image of family with their own beliefs and interpretations. In so doing, readings of family that suggest the traditional family is the ideal family structure can exist simultaneously with conceptions of family favorable to neoliberal positions that suggest a potential to expand familial status where transfer of parental responsibilities remains a possibility.

Opaque presentation is not overtly exclusionary and gives impression of reflection of diversity

In contrast to the ability to read narrow images of family into the CYFEA, the ambiguous presentation of family structure similarly allows a broad reading of

family that is not *overtly* exclusionary of the multiple relationship configurations of Albertans. As I discussed in the introduction to this thesis, the constituents of any MLA are increasingly likely to identify with familial configurations that are not of the heterosexual nuclear breadwinner form glorified by neoconservative discourse and actors. The plurality of experiences of family, then, is such that any explicit definition of family membership would be overtly exclusionary of what some individuals identify as their family structure (Eichler, 1983). Any clear definition of who comprises family would therefore result in some constituents charging MLAs with not serving their interests, or representing their views.

As I discussed in chapter one, MLAs cannot *explicitly* claim that they are representing their own views and not those of constituents. A neoliberal context that positions "everyday Albertans" as experts heightens the instability of such a position. The opening quotation of Premier Klein, which suggests that he is simply relaying that "the majority of people are opposed to same-sex marriage" (quoted in Cotter, Dec. 11, 2004: 15), bolsters this claim that MLAs must present themselves as conduits of public opinion and not subjective actors. Although this quotation suggests that MLAs ought to have set forth a clear and rigid definition of family, opinion polls of the time show that this alleged majority opinion of Albertans was, in fact, a weak one (Leblanc, Jul. 17, 2003: A7). As such, the large numbers of persons without socially conservative views of the family would have opposed any explicit attempted defense of the traditional family within the CYFEA. It is, then, the absence of unambiguous statements about the sanctity of the traditional family that allowed the preferred family form in the CYFEA to remain open-ended, permitting either expanded readings or narrow socially conservative readings. This, in turn, enabled the CYFEA to pass in the legislature.

The CYFEA therefore demonstrates a shift in conceptualization and use of "family" in the passing of child welfare law. This shift encompasses a conflictual and ambiguous account of who is family. This presentation of "family" allows for multiple readings of who ought to comprise familial relations. Such an account has the ability to appease all MLAs and constituents because it is less *overtly* exclusionary than explicit statements about family structure. However, nowhere

in the CYFEA or surrounding debates is there any mention that the presentation of family in this fashion aims to encourage, respect, or promote diversity in familial forms. Rather, the presentation of who is family as ambiguous and open-ended reflects the contested, diverse, and contradictory political and social context of Alberta by sidestepping the contentious issue of family structure altogether. The opaque presentation of who comprises a family is not set forth as a welcoming or acceptance of alternative relationship configurations and is therefore unlikely to be inclusive in practice.

IV – The limits and dangerous implications of open-endedness

The possibility of an expanded conception of family in the CYFEA is thus only that, a possibility amidst a number of plausible readings of what relations might comprise "family". The CYFEA still charges child welfare workers with identifying a set of relations as family and exactly how this will unfold is a topic requiring future research. Moreover, this possibility of expanded conceptions of "family" is not necessarily as desirable as authors like Stacey (1992), who celebrate the "postmodern" condition of family as an inclusive politics, suggest. There remain limits to the open-ended interpretation of membership in the "responsible autonomous" family. Further, the overall political ethos in which the CYFEA unfolds ensures a continued marginalization and exclusion of certain family configurations.

Limits of the "autonomous responsible" family, not the state or shared responsibility

Although the relations considered family are unclear, the CYFEA and debates differentiate a number of entities from family. In particular, the language of the CYFEA and debates construct the state as an entity that is separate from families. This is evident in the multiple statements that the state's role is to hold families accountable for their responsibilities. In one specific example, Cenaiko contended that the CYFEA places "increased emphasis through the court system on holding parents responsible for the parenting of their children" (*Alberta*

Hansard, Mar. 10, 2003). The state and its court system are therefore entities not to be confused with families and parents. In another instance, Cenaiko demonstrates that the entire corpus of MLAs and the state are separate from families by virtue of their supportive function. He remarked in debate that the CYFEA "will help *us* [i.e., the Alberta Government debating the legislation] better support and protect Alberta's children, youth and families" (*Alberta Hansard,* Mar. 16, 2003 – my emphasis). Additionally, claims that the CYFEA marks "increased accountability for services delivered to children and families" (Cenaiko, *Alberta Hansard,* Mar. 10, 2003) demonstrate that service providers, namely the state, child welfare workers, and privatized community experts are entities distinguishable from families.

Differentiating these entities from "family" thereby excludes them from the primary responsibilities of caring for and protecting children. The exclusion of the state and service providers from families further precludes any system of a generalized shared social responsibility for child welfare and immediately limits responsibilities for children to particular persons. Moreover, these calculations and limits of family continue to subvert the counter-discourses discussed in chapter two that situated families as themselves parts of the larger socio-political fabric affected by political strategies. The differentiation between family and state, then, continues, as it did in the beginning of liberal rule, to constitute the state as a distinct entity with distinct responsibilities. Such a presentation masks the active role that state strategies have in shaping families. In obscuring this role, the state is further able to legitimate a neoliberal agenda of responsibilization because families are made to appear as pre-political and therefore natural entities with essential capabilities and responsibilities for child rearing that ostensibly exist independent of state actions (Kline, 1997; Olsen, 2006; Rose, 2006).

Extended responsibilization and continuing condemnation

The limits of "family" in the CYFEA and debates therefore perpetuate the possibility of a neoliberal project. The potential expansion of family under this political rationality extends the responsibilities accompanying such status while

continuing to erode the social provisions once accorded to persons based on family status. The extension of family in neoliberal contexts does not bring with it the "social legitimacy and institutional support for…diverse patterns of intimacy" envisioned by Stacey (1992: 109) and discussed in the introduction. Rather, in the context of child welfare, the extension of family carries with it the tutelage and community surveillance that accompanies placing responsibilities for children onto individuals. In this sense, any increased access to family status brings more relations and familial forms under governance.

When viewed as an extension of tutelage and surveillance, the potential expansion of family within a neoliberal ēthos is not a cause for celebration of an inclusive politics. In fact, the lack of material supports given under neoliberal strategies of responsibilization in the CYFEA mean that expanding "family" remains an exclusionary practice insofar as those located in marginalized positions will likely continue to be the primary "clients" of the child welfare system. Although the CYFEA does not appear to govern through an *explicit* normative image of family structure, the ambiguity and open-endedness of "family" in the CYFEA assumes that all groupings can self-sufficiently meet its outline of parenting practices without requiring broader social change. It thus denies that some persons might face barriers, such as systemic discrimination, that they have no control over. In emphasizing self-reform and denying any need for larger social change, the CYFEA is likely to continue to direct its policing gaze to already marginalized families.

Race and gender speculations

This condemnation of the already marginalized obviously intersects with the categories of race and gender. Unfortunately, the data whereby one could evaluate the effects of the CYFEA on different persons thus far is in Alberta's Child Welfare Information System and is not yet publicly available. Nevertheless, the existing literature on child welfare and the unequal effects of neoliberal reforms suggest that that the women and First Nations who have historically been the main subjects of the Canadian child welfare system are likely to remain so.

For instance, Stacey (1992), along with Carol Smart and Bren Neale (1999), note that women overwhelmingly continue to carry out the tasks associated with nurturing care and kinship maintenance regardless of the unique family configuration found. Fudge and Cossman (2002) note that given the still highly gendered division of domestic labour the neoliberal *familialization* of responsibilities will disproportionately fall onto the shoulders of women (Boyd, 1996; Kline, 1997). The CYFEA and debates in the legislature obscure this fact by using the gender-neutral language of "parents" and "guardians". This language makes is appear as though both men and women can and do participate in the tasks of parenting. As such, it legitimates the absence of programs of shared responsibility because it assumes that the tasks of parenting are already spread evenly throughout the social fabric and not structured around gender divisions. The continued gendered division of domestic labour, however, means that, despite the use of gender-neutral language, the CYFEA's evaluation of parenting is likely to be an evaluation of women's work in most cases.

Earlier feminist researchers, namely Swift (1991) and Callahan (1993b), noted that single mothers were over-represented among Canadian child welfare cases (Lafrance, 2005). Swift (1991: 256) uncovered that "[a]t times, these women have been charged with neglect because they could not, simultaneously, work for pay outside the home and be at home with their children, but neither could they afford to pay others for care for their children." The prognosis for these women in a neoliberal ethos remains bleak. Neoliberal agendas continue to erode wages and benefits, while the emphasis on self-sufficiency continues to stymie any socialized childcare strategies. Alberta remains plagued by a lack of affordable childcare spaces (Cryderman, Feb. 4, 2007: A1). Moreover, the PCs' reduction of the amount of time a new mother can spend on assistance before being forced in workfare programs from 2 years to 6 months (Kinjerski & Herbert, 2000), coupled with the CYFEA's re-emphasis on neglect as grounds for investigation, will potentially exacerbate the over-representation of single mothers in child welfare system unless affordable childcare is made available.

In contrast to the denial of significant gender differences, the subject of race receives explicit consideration in the CYFEA. This is manifest in the CYFEA in the "matters to be considered" where it states that "if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity" (Gov. of Alta., 2004: sec 2(p)). Section 107 of the CYFEA also outlines that when a child under investigation is of First Nations ancestry the "director must involve a person designated by the council of the band in planning for the services to be provided to the child" (Gov. of Alta., 2004: sec 107(1)). This section also mandates that any person who adopts a child of First Nations ancestry must "inform the child of that status" and "take reasonable actions on behalf of the child necessary for the child to exercise any rights the child may have as an Indian" (Gov. of Alta., 2004: sec 107(5)).

However, despite the claims of Evans that these measures are new and innovative (Kleiss, Nov. 1, 2004: A3), comparison with the 1985 Child Welfare Act demonstrates that there are in fact no new provisions concerning First Nations people. All of these statements existed in some form in the 1985 Child Welfare Act. It is likely, then, that the CYFEA will continue to allow workers to meet the criteria of cultural preservation through placing aboriginal children in white homes that promise to expose the child to any First Nations culture, regardless of the diversity of cultures and the specific culture of the child (Kline, 1997).

Without new provisions for First Nations, or measures for substantive equality, it is also probable that First Nations will remain a category over-represented in Alberta's child welfare system. The CYFEA's solutions of self-reform of parents continue to deny the existence of systemic barriers for First Nations people. In particular, these solutions ignore the impact that the previous assimilationist and colonial policies of the residential school system and child welfare system have had on the parenting and domestic lifestyle of First Nations (Kline, 1997). Although the CYFEA mandates the inclusion of First Nations representatives in case planning, the imposition of community counselling

services through its legislative mandate and funding structure mean that any possibility of First Nations themselves determining what the problems and solutions to child welfare are remains unrealized. The Alberta Government thus continues to govern the actions of First Nations child welfare agencies from a distance. Additionally, those First Nations on reserve also remain governed from a distance by the Federal Government who retains responsibility for funding these operations. This double governance places First Nations on reserves in a peculiar bind because while the Alberta Government encourages the use of "family enhancement services", the Federal Government only funds protective services (Alberta Children's Services, 2006). Early figures out of Indian and Northern Affairs Canada (2007) display that this predicament has resulted in a 4% increase in child welfare caseloads on Albertan First Nations since the implementation of the CYFEA. This increase demonstrates that the prediction of the continued over-representation of First Nations and the continued use of adoption as an assimilationist practice seems to be accurate thus far.

Conclusion

Analyses of the uses of "family" and kinship terms in the CYFEA demonstrate a complex, ambiguous, and conflictual presentation of "family". Child welfare appears to have rid itself of governing through an *explicit* image of a normative family structure. Rather the ideal image of family remains that of an entity autonomously responsible for the care of children through bonds of love and nurturance. The CYFEA, however, does not set forth a coherent and singular idea of who ought to comprise those bonds. The processes involved in the Alberta Response Model and direct adoptions suggest a potential expansion of conceptions of family, however the ambiguity surrounding the whole issue also continues to allow narrower readings that reflect neoconservative images of family. This lack of explicit discussion and ambiguity surrounding family structure are precisely what allowed the CYFEA to pass in the legislature despite a contested socio-political climate insofar as conferring family status is concerned. In any case, the potential expansion of the relations that comprise a family is not a progressive and inclusive politics. More accurately, situated in a

neoliberal ethos this expansion is an extension of responsibilization strategies and bio-political techniques. These strategies are likely to continue to place First Nations and (single) mothers at the centre of child welfare investigations. In short, the potential incorporation of a more open-ended and flexible image of family in child welfare law is "neither good nor bad, but dangerous" (Foucault, 1988c: 168).

Conclusion

Introduction: Summary of critique

This thesis provides an examination of the construction of child welfare and formulations of "family" in the complex and contradictory neoliberal and socially conservative milieu of Alberta. Given the tensions between and within these two poles of fiscal and social conservatism – declarations of self-sufficiency and moralistic paternalism, undercutting social reproduction and glorifying "the family", willingness to expand familial status and rigorous guarding of legal definitions of marriage – the dominant political rationality and the tenuous division of public and private were subject to scrutiny. A drastic increase in child welfare caseloads and spending provided an opportunity to bring these tensions to light and attempt a rethinking of governance. The CYFEA is the result of this questioning and as such provided a unique and fruitful case study that I used to investigate how child welfare law traverses this complicated terrain.

Chapter one gave a context for this project, whereas the remaining chapters each provided an analysis of a different facet of how the "renegotiation" of child welfare and the division of public and private unfolded. I documented in chapter two the discursive struggle over child welfare in Alberta beginning in the late-1990s. I displayed that a discourse cognizant of the manner in which neoliberal reforms undercut familial relations initially problematized the rising caseloads and sought to re-implement welfarist strategies of shared responsibility. The political process used and the discursive framework developed to implement the CYFEA, however, subverted this counter-discourse. In chapter three I maintained that the CYFEA marks more of the same neoliberal political rationality that child welfare experts argued was the major impetus for rising caseloads in Alberta's child welfare system. The division of responsibilities in the CYFEA follows neoliberal lines and emphasizes the role of private actors while downplaying the role of the state. That is, the CYFEA encourages private actors to adopt particular responsibilities through discourses of permanency, risk, independence, and choice. In the last chapter I demonstrated that in traversing the contested terrain of "family" the CYFEA presents "family" in a unique fashion.

Although the ideal characteristics of "family" resemble the familiar autonomous entity responsible for children, the relations that ought to comprise a family are ambiguous. This presentation of "family" affords a multiplicity of potential interpretations and simultaneously allows potentially expanded conceptions to run parallel to narrow neoconservative images. I argued that in contrast to the celebration of an open-ended depiction of "family" as an inclusive politics, the potential expansion of familial status in child welfare is a means of furthering *familialization* strategies.

Separately each chapter exposes an element of neoliberal politics and the contemporary governance of interpersonal relations; taken together these chapters demonstrate that this neoliberal governance is not inevitable. The CYFEA achieved a further implementation of a neoliberal agenda only through a subversion of existing critical discourse. Awareness of the discursive practices and political process used to usher in this mode of governance is an initial step towards challenging such modes of governance in the future. Problematizating concepts such as "permanency", "best interests", "Albertans", "choice", and "family" likewise serves as means of unsettling current strategies and discourses of governing. Moreover, the revelation of the multiple readings of "family" in the CYFEA brings to light the conflictual position of family held within Albertan politics. In so doing, it displays that the political environment in Alberta is not without its own internal struggles and contradictions. Shedding light on these tensions and competing ideas of family might serve as an impetus to divide the allegedly coherent New Right and open debate towards forming new political rationalities (Cossman, 2002). These problematizations attempt to force yet another rethinking of child welfare and the division of public and private in Alberta.

Limitations and future research

The emphasis on the development of the CYFEA in this thesis highlighted the strategies and discursive practices used in the legislative arena. The practices of governing in child welfare, however, extend well beyond this field, into the work settings of child welfare workers and the homes of families. The CYFEA

serves as a guide for child welfare staff. How practitioners interpret this law's directives and transform its strategies of governing needs explication. In particular, exploring how workers decode and employ the CYFEA's ambiguous and conflictual messages of "family" in their everyday practices would significantly add to understandings of governing families in the contested Albertan context. Determining what the role of the newly developed risk assessment models is in shaping how workers calculate "family" would be vital to such a project (Parton, 1998, 1999).

Relatedly, how these evaluations situate sectors of the population as the subjects of child welfare requires investigation. The predictions in chapter four about how the CYFEA is likely to continue condemning and marginalizing (single) women and First Nations speak to the lack of measures for substantive equality and social-structural transformation in a neoliberal ethos. However, once the appropriate data becomes available, future studies can determine if these speculations are accurate. Once research can identify the typical subjects of the CYFEA, scholars ought to consider how the condemnation and reconstitution of these particular interpersonal groupings serves to heighten or reduce tensions between socially conservative and neoliberal ideas of "family".

However, beyond assessing how the CYFEA affects certain groups, it would be beneficial for academics studying the implementation of this law to continue drawing on the work of governmentality scholars and note how these groups resist the scrutinizing gaze of the CYFEA. A number of intriguing questions surface when one connects a concern with resistance to the focus on discourses of "family". What discourses of "family" do these groups employ and how do these discourses challenge the practices of child welfare? Do these groups highlight the tensions between neoliberal and neoconservative conceptions of "family" in order to force a rethinking of governance? Are such attempts successful? Why or why not?

Conclusion: Indivisible responsibility

The previous pages sought to raise a number of questions by problematizing taken-for-granted concepts. In the final chapter I concluded by

stating that the formulation of "family" in the CYFEA is dangerous and avoided assessing the CYFEA as either good or bad. Rather, I suspended such judgments – not only because the formulation of family is ambiguous and indeterminate, and so it is yet to be realized how practitioners calculate its boundaries – but also because there is no stable grounds from which to make any such evaluation. The previous chapters served to show that child welfare and family are "moving resultants" influenced by a myriad of contingent unfolding forces, and determined by discursive practices, not inner teleological essences. The formation of a judgment on either child welfare or family configurations would require an ability to know what either are and will be. A major point of the previous chapters is to demonstrate that such positions are untenable because struggling forces continually reshape both in a precarious fashion. As such, I have no concrete alternative vision of child welfare to offer, only further questions and demonstrations of uncertainty.

Of course, following the work of Foucault (1997, 1988a, 1984), it is this questioning and demonstration of the limits of particular discourses that forms the basis of my critique of the CYFEA. I have problematized the CYFEA instead of passing judgment upon it. This problematization attempts to force another rethinking of child welfare and the division of public and private in Alberta, summoning as of yet undetermined possibilities from beyond the boundaries of current understandings (Foucault, 1980, 1988a, 1997; Hogeveen & Woolford, 2006; Pavlich, 2005; Rose, 2006: 47).

Nevertheless, by displaying even open-ended accounts of "family" as dangerous I have attempted to direct this rethinking by loosening the hold that ideas of "family" have on child welfare. Specifically, as I argued in chapter four, even opaque formulations of "family" remain a means of delimiting responsibility. "Family" continues, as it did in the beginnings of liberal rule (Foucault, 1991; Stevens, 1999), to differentiate the roles of the state from those of other agents. In so doing, it serves to mutually constitute public and private and thereby assists in governance through providing a means of dividing responsibilities. By showing the constructedness of, and struggle over, the

neoliberal division of public and private, I aimed to reveal its lack of necessity and thereby remove its foundations. In dissolving the foundations of this division of responsibility, an indivisible responsibility is all that is left. Consequently, the responsibilities for child welfare, then, are not properly or naturally confined to families, or any declared grouping for that matter, but cast upon us all – academics, parents, siblings, politicians, strangers, whomever. In questioning "family" as an allegedly natural calculation of responsibility, we can create an opening for truly unique political apparatuses and child welfare systems that disperse an ethic of care and responsibility for each other throughout the social fabric.

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